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THE RENDING OF VIRGINIA

THE
RENDING OF VIRGINIA,
A History.

BY

GRANVILLE DAVISSON HALL.

"Out of the South cometh the whirlwind."—JOB.



1902.

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BY
GRANVILLE DAVISSON HALL



Very truly yours,
Jesse Drew

TO
JOHN FREW,
OF THE
WHEELING INTELLIGENCER,
MY FORMER ASSOCIATE IN BUSINESS, MY FRIEND
FOR FORTY YEARS, WHOSE MODESTY IS EQUAL-
ED ONLY BY HIS OTHER STERLING VIRTUES,
IN ACKNOWLEDGMENT OF VERY MANY
COURTESIES, IN APPRECIATION
OF HIS FRIENDSHIP, AND
AS A SLIGHT TRIBUTE
TO HIS PERSONAL
WORTH,
THIS VOLUME IS INSCRIBED.

(This dedication was written, without the least intimation to Mr. Frew of my purpose, a few months before his death. Though earthly praise or censure can never be anything to him more, this may stand, as written, a poor tribute to his memory.)

PRESS OF
MAYER & MILLER
85 FIFTH AVE.
CHICAGO

PREFATORY

The design of this volume is to tell the story of the severance of Virginia into two commonwealths, prefacing with some account of the causes leading up to the event: on the one hand, the internal antagonisms which had wrought towards disruption from an early day; on the other, the Southern Rebellion, which involving Virginia and setting up a military usurpation therein precipitated the crisis between the eastern and western sections that had been gathering head for fifty years.

To this narrow estate has Virginia shrunk from an imperial domain. It is probable European eyes first beheld the lovely shores and waters of Virginia in 1498, when John Cabot is believed to have entered the Chesapeake Bay. In 1584, in the nebulous days of ante-colonial discovery and exploration, when the boundaries and limits of the New World were yet undefined and when European monarchs were claiming "everything in sight," Raleigh's ships returned to England with glowing accounts of the region from Albemarle to Chesapeake; and in the fervor of that triumphant hour, he was permitted to name all English North America "Virginia," in honor of the "Virgin Queen." The attempted colonization under the charter given Raleigh in that year to plant a colony in Virginia ended in failure. He dispatched a fleet the next

year, but the settlers returned discouraged the year following. Another party sent out in 1587 perished, and permanent settlement of Virginia had to wait another twenty years. Under James' patent of 1606, two colonies in Virginia were authorized: one to be located by the Plymouth Company between 38 and 45 degrees north latitude; the other between 34 and 41, with reservation of at least one hundred miles between them. Late in the year, Sir Thomas Gates set out for the southern location; but his vessels were driven on the Bermudas and he did not reach Virginia till the following spring. It was this expedition which, entering Hampton Roads and naming the river after the English King, gave the world the romantic (and somewhat apochryphal) history of the adventures of Capt. John Smith. Three years later the Gates grant was superseded by one to the London Company, on whom was conferred a sea front of four hundred miles north and south from Hampton Roads, extending "throughout from sea to sea." To this charter the fragmentary Virginia of to-day goes back for its original authority. To this Virginia England sent out her white-handed and useless cavaliers, of whom Col. William Byrd of Westover, in his "History of the Dividing Line," wittily says that they were "most of them reprobates of good families," who "like true Englishmen built at Jamestown a church that cost no more than fifty pounds and a tavern that cost five hundred." In this book, Colonel Byrd shows how all English America had once been Virginia and how the colonies had been carved out of it.

By the Peace of Paris in 1763, the boundaries of Virginia were definitely fixed, with the Mississippi River for

the western line from the Ohio River to the Lake of the Woods. As time and settlement progressed, the other colonies became unwilling Virginia should overshadow them all by retaining this great territory; and for the promotion of harmony the cession to the United States of all lying north and west of the Ohio was proposed, and finally consummated in 1784—just two hundred years after the Elizabethan christening. Virginia made the condition (drawn by Jefferson) that the territory ceded should be divided into States in which slavery should be forever prohibited. She wanted it stipulated, too, that the territory between the Ohio River and the Allegheny Mountains (now West Virginia) should remain inviolably hers; but Hon. George W. Summers, speaking from examination of the original Virginia archives at Richmond, said at Wheeling in 1863 that this stipulation was not made by Congress for the reason that Virginia was unable to show title to that territory. Mr. Madison, then in Congress, wrote to Jefferson to furnish the evidence of the title claimed; but it could not be shown that Virginia's rights went beyond the springs of the waters flowing towards the Atlantic, and the Northwest Territory was finally ceded without such stipulation. Virginia did, however, retain possession of the district between the mountains and the Ohio River, no occasion arising to impeach her title; and with her 70,000 square miles, reaching from the Atlantic to the Ohio, still held a greater domain than any other of the original States. Jefferson Davis in his "Rise and Fall" describes Virginia as being at the opening of the Rebellion "a republic or nation." But relatively she was only a fragment of her former territorial greatness. Nor was

the shrinkage in area alone. She had lost the place conferred on her in early days by the exalted virtues of her great citizens, and lost also her primacy in population and commercial importance. At the time the Constitution was ratified, Virginia was the foremost of the States, and in the census the following year showed a population more than double that of New York.

No communities that have ever existed equal in political and economic interest those founded on the Atlantic coast of North America. None equalled Virginia in early development of a stable political and religious liberty, towards which the ferment in Europe had been working ever since the Crusades. The Virginia act of religious freedom, written by Jefferson, is the basis of similar provisions in nearly all the States of the Union. In the bill of rights in the first West Virginia constitution, it was embodied word for word. The first constitution of Virginia, adopted in 1776, was written by George ^{Mason}~~Nelson~~; the preamble to it by Mr. Jefferson. It was far from satisfying Mr. Jefferson's advanced ideas, but it has the distinction of being the first written constitution of a free state in the annals of the world. Mr. Jefferson left Congress in that year in order that he might devote all his time and energies to a revision of the then existing Virginia code and to having this (legislative) constitution rewritten and adopted by convention in more permanent form. Four great changes he especially sought: To wipe out the laws of entail; to abolish primogeniture; to assert complete religious freedom; to adopt a system of general free education. He also urged—and never ceased to urge while

he lived—a system of gradual emancipation and deportation by which Virginia might be wholly rid not only of slavery but of the freed slaves as well. He also advocated citizen suffrage instead of “freehold.” Mr. Jefferson had to encounter a deep-rooted aristocratic system and the radical reforms he proposed made slow progress; but to no one mind does Virginia owe so much for what she became in the days of her earlier greatness, nor perhaps has any one man so ineffaceably impressed his ideas on the whole American system. This act of religious freedom, passed in 1785, made a powerful impression in Europe. It was translated into French and Italian, and had a distinct influence in promoting the French revolution.

A noble and enduring progress should have followed such an initiative in Virginia; but on this splendid graft of English liberty soon fell the blight of the “black plague” whose germ had been carried in that old Dutch man-of-war from Africa to Jamestown in the year 1619.

The last riving of the old commonwealth along her Appalachian backbone, which is the subject of this volume, may be regarded as a “last analysis.” It is not likely what is left will ever be reduced by further division. The story of this rending in the midst of civil tumult and confusion is a unique chapter in American annals. A State in the American Union cannot be disposed of with the same facility as unorganized territory. To carve a new State out of an old one, to clothe it with its prerogatives, including representation in the Senate, involves far more grave

and intricate considerations, even under ordinary conditions. To do this in the midst of a civil war threatening the existence of the Union itself, was a task as serious as any people ever had to confront.

No State in the Union had ever been divided before, and the other conditions under which the question had to be met were also without precedent. The crisis was described by Senator Hale of New Hampshire as "anomalous and without precedent but destined to shed an infinite light on the future."

When the bill for the admission of West Virginia was before the Senate Committee on Territories, Mr. Hale, who was a member of the committee, said to some of the Wheeling gentlemen present (as related by one of them many years after), "in regard to what had taken place in Wheeling and throughout West Virginia, it was, all in all, a most remarkable drama—unlike anything he had ever heard or read of—this thing of a loyal people reclaiming and resuming their sovereignty after its abdication by their constituted authorities. 'I wish,' said he, 'somebody would write it up. I could not do it myself,' he added, 'but I could appreciate it when it was written.'"

All government in Virginia had been abdicated by revolt against the national authority. The first problem was to reclothe the abandoned functions of local government and re-invest authority in officers loyal to the national compact. This was done by reverting to the original and inherent rights and powers resting in the people—already in the Declaration of Independence declared "incapable of annihilation." This restoration of the Virginia government was the first assertion of the indestructibility of

an American State, affirmed by the Supreme Court of the United States through Chief Justice Chase some years later.

The story of this restoration and of the later division founded on it has not yet been adequately told. It involves principles and facts that have not been clearly or widely understood. It is a story which will still, the author is conscious, be incompletely told in these pages. A contribution to that end is the most he presumes to offer. It is longer than the average lifetime since these events transpired. Nearly all who had part in them are dead. He who now assumes the functions of chronicler was a youth in the midst of that drama, knew personally most of the actors and had some glimpses behind the scenes. He regrets having put off so long the task to which he was pledged by his own intention and by the expectation of others, to a time when most of those who could have a personal interest in the recital have passed off the stage of action. But feeling that a duty performed is better late than never, he sits down in later years, away from the theater of action, to put on paper while he still may some recollections, records and impressions of the times, incidents and persons that united to make up this episode.

It being the main purpose of this work to describe the division of Virginia, and the Richmond secession convention having been only the starting point, it may seem that undue attention has been given to that convention. But that body, aside from its relation to the severance which followed, claims attention as a striking and powerful

factor in the Rebellion itself. The importance of its relation to that supreme tragedy could not well be exaggerated. The Cotton States had taken all the declaratory steps toward insurrection; but they waited for Virginia to join them and give the signal. It was the message Roger A. Pryor carried to Charleston that fired the opening gun of the conflict; and it was on Virginia soil beyond all other that the dragon teeth were sown and the deadly harvest reaped.

In a swift preliminary review of slavery aggressions and issues, the author has sought to bring the reader down to the threshold of the Richmond convention with an appreciation of its relation to what had gone before. The course of events and evolution of issues in Northwestern Virginia down to the installation of West Virginia as an independent State are followed with careful regard to accuracy; but formalities and detail are omitted where it seemed they could add nothing of value. The discussions in five conventional sessions and in the two houses of Congress are synopsized, with such comment as to make clear the significance of what was said and done. The aim has been to present as a connected story the essential facts within a bulk that would not be forbidding to the general reader.

Facts without comment are but the skeleton of chronicle. The author has deemed it a part of his task to clothe the skeleton with flesh and blood, by such criticism of measures and of men as seemed to be called for. The truth is not always agreeable. In polite social life, it is not always to be spoken. In historical statement, on the

contrary, if we speak at all we are bound to speak the whole truth.

A feature of special value is the sketch of the Richmond convention written for the author by Hon. James C. McGrew, of Kingwood, one of the few surviving members. The author's own treatment of this convention is extended; but to a strong and luminous statement of its general features, Mr. McGrew is able to add interesting details from personal knowledge and experience. There is also some briefer comment, less studied but extremely crisp and pungent, by Hon. John S. Burdett, another of the surviving Western Virginia members, now living at the State capital at the age of eighty-two. Mr. McGrew was eighty-seven the day he mailed his paper. Appended to it he gives authentic lists of the convention showing the entire membership and in separate lists those voting for and those voting against the ordinance of secession.

Perhaps no one ought ever to offer to the public without apology anything written in the first person singular; and since the writer of this book sometimes drops into that form of expression, he begs the indulgent reader to believe it is only because in such cases it seems the simplest and directest way to say what needs to be said.

The author can hardly hope that much of value has not been overlooked. The work has been done under many disadvantages; and though it has waited long, the time actually given to it has been recent and brief. The plan of it is limited as to both time and detail. The narrative closes with the consummation of division. Some general comment has been indulged on subjects not closely connected with the narration. This the reader may or

may not find pertinent. Questions arising in the new commonwealth during its first decade are tempting in interest; but they must be left to another time or to other pens. The breaking away of trans-Allegheny Virginia, under pressure of a tragedy national in its grandeur and its agony, is a historical phenomenon of such poignant interest as to merit treatment by itself.

GLENCOE, ILL., January 1, 1902.

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THE RENDING OF VIRGINIA.

CHAPTER I.

A PRELIMINARY SURVEY.

The General Assembly of Virginia, a biennial body, was suddenly summoned, in vacation, to meet in Richmond January 7, 1861.

By it, after only a week's deliberation, an election was ordered to be held February 4th for delegates to a State convention to meet in Richmond February 13th.

It was not to be a convention of unlimited powers. In electing delegates, the people were allowed to vote whether the action of the convention, if anything should be done affecting the relations of the State to the Federal Government, should be referred to the people for ratification before becoming effective; and this question of Reference was affirmed by nearly sixty thousand majority.

Although a very large majority of those chosen delegates had in their candidacy pledged themselves to be faithful to the Union and were chosen on the faith of such pledges, the convention, in secret session, passed an ordinance of secession April 17th; and, without waiting for the reference of their action to the voters of the State, by

another ordinance, passed April 25th, ratified a secret league agreed on the day before with the Vice-President of the so-called Southern Confederacy, whereby the entire military forces and resources of the Commonwealth were placed instantly and absolutely at the command of the President of the Confederate States. Even before the passage of the secession ordinance, the insurrectionary authorities at Richmond levied war against the United States by the seizure of United States property at Harper's Ferry, the capture of the Federal buildings at Richmond, Norfolk and Portsmouth, and the attempted seizure of United States ships and other naval property at Gosport.

Northwestern Virginia, indignant and alarmed, assembled a convention at Wheeling May 13th, to concert measures for the public safety. They declared their adhesion to the United States, denounced the action at Richmond as usurpation, illegal and void, appointed a Central Committee to exercise their powers in organizing resistance to the usurpation of the State government and in supporting the Federal Government, and provided for the election of a delegate convention June 4th, to meet June 11th.

May 23d occurred the general spring elections, at which were chosen members of the General Assembly, also members of Congress although forbidden by command from the rebel Governor at Richmond; and the vote was taken on the question of ratifying the ordinance of secession; the latter, under the conditions suddenly forced upon the State, being rather a form than a genuine expression in three-fourths of Virginia.

The advance of United States troops simultaneously from Parkersburg and Wheeling May 27th, cleared the Confederate forces out of Northwestern Virginia and left the people free to organize.

June 4th, on call issued by the Central Committee, addressed to all the loyal people of Virginia, elections were held for delegates to the convention to meet at Wheeling June 11th. The convention met at the appointed time. Its membership embraced the delegates specially chosen on the 4th and also the members of both houses of Assembly chosen May 23d who adhered to the United States. June 17th this convention adopted a declaration setting forth that the usurpation at Richmond had driven the loyal people of Virginia to resume their original rights and to restore the Commonwealth to its proper relation to the United States government and declaring vacant the offices of all who adhered to the secession convention. A Governor and other State officers were appointed and ordinances passed to provide for emergencies and put the machinery of the State in motion.

Early in July the General Assembly, embracing all members who refused to recognize the Richmond usurpation, met at Wheeling to perform such part of the work of reorganization as devolved on that body. They elected two United States Senators to fill the places vacated by Hunter and Mason. These Senators were admitted to seats, as were the members of the House of Representatives chosen in the three Northwestern Virginia districts in May in defiance of the rebel edict.

Meanwhile the President of the United States had, in official communications through his cabinet, recognized the Governor of the restored State government as the rightful executive of Virginia. Later, by the admission of Congressmen chosen at elections held under writs issued by Governor Peirpoint, the House of Representatives directly recognized the Wheeling government.

In the Rhode Island case, in 1842, it was decided by the Supreme Court of the United States that it rests with Congress to say which is the rightful organization in a State when there is more than one; and thus both houses of Congress, as well as the Executive, having accepted the acts of the reinstated government at Wheeling, its recognition as the constitutional government of Virginia was authoritative and complete.

The June convention having taken a recess during the sitting of the General Assembly, reassembled August 6th. On the 20th, it passed an ordinance authorizing an election in certain counties in Western Virginia on the question of a separation from Virginia, and for the election of delegates at the same time to a convention to frame a constitution for the separated State if voted. The election occurred October 24th; the vote was overwhelmingly in favor of division; and the convention to frame a constitution for the new State met at Wheeling November 26, 1861, and, having done its work, adjourned February 18, 1862. The constitution was ratified by the people within the territory for which it had been made, on the fourth Thursday of April, by a vote practically unanimous.

The General Assembly was reconvened May 6th, and on the 13th passed an act giving the formal consent of Virginia to the division. This act was certified by Governor Peirpoint and forwarded, with a certified copy of the constitution and a memorial asking the admission of the new State, to Senator Willey, by whom the papers were presented in the United States Senate May 29th.

A bill for the admission of West Virginia passed the Senate July 14th, with a condition requiring that there be incorporated in the constitution a provision for gradual emancipation of slaves, and that the clause forbidding the ingress of negroes be eliminated.

In the House of Representatives this bill was made the order of the day for December 9th and passed the following day. It was signed by the President the night of December 31, 1862.

The Constitutional Convention reassembled February 12, 1863, the emancipation provision was incorporated as required, in lieu of the negro-prohibition clause, and these amendments ratified by vote of the people; and a certificate of the facts sent to the President of the United States, who issued his proclamation April 19th declaring the admission of West Virginia as a State in the Union complete sixty days thereafter.

Meanwhile, under provision made by the convention, elections had been held and State officers and members of the Legislature for the new State chosen; and June 20, 1863, West Virginia was formally inaugurated at the Linsley Institute, in the city of Wheeling, the Virginia Executive removing with the archives of restored Virginia to Alexandria.

The equitable grounds on which the separation was demanded by the West; the story of the rebellion at Richmond producing the crisis which brought to Western Virginia the long-desired opportunity; the work of restoring civil government by the loyalists west of the mountains; the subsequent fight for the new State at Wheeling, and again at Washington; the opposition of foes and the treachery of pretended friends; the final victory—all this and something more is told in the chapters which follow.

CHAPTER II.

INTERNAL ELEMENTS OF DISRUPTION.

A HALF CENTURY OF HEARTBURNINGS.

The discontent in the Virginia household which resulted in the separation in 1863 was not of recent origin nor due to ephemeral causes. It was a case of natural incompatibility, and of other incompatibility increasing with time and growth. Dissensions, growing with the development of the West, and unwise and oppressive policies on the part of the dominant East, had long been preparing the soil and sowing the seed for the crop which was finally reaped.

THE PROTEST OF NATURE.

Mountain barriers had been reared by nature between the two sections. On one side of them the waters flowed toward the old world of vested privilege; on the other toward the new, the free, the possibilities of the future and the unknown. Commerce divides with the water-sheds and flows with the streams. The interests and purposes of men follow commercial lines. Political abstractions may at times seem the most influential spring of action; but business advantage has the strong and steady pull which in the end shapes the destinies of States.

Policies supposed to be suited to the east side of these mountains were ill adapted to the other. Under the measures enforced by the East, at the instance of an institution repugnant to the people in the West, the latter could only grow more and more discontented and alienated as time and material growth made the Eastern rule the more oppressive. The connection was an unnatural one from the first. It grew to be a union of force which only awaited its opportunity to be broken.

THE PRIMITIVE WEST.

The earliest settlements west of the mountains were made by the more adventurous east of them, who had little of property or anything else to attach them to the soil they grew on and sought the freer life of what were then the Western wilds. Later, as the country became cleared, a more substantial class followed with their slaves in pursuit of agriculture. This inflow across the mountains was met by currents of a different kind of people flowing in from the northern and western borders. In the decades between 1840 and 1860, under the demand for slave labor in the Gulf States, the bulk of the slave population in the West went to the market.

NO UNITY OF INTEREST.

As commercial and industrial interests developed there, they found their outlets west and south, through channels prepared by nature. There was little intercourse of any kind—and even less commerce—with Eastern Virginia. A single railroad reaching only the northern section carried traffic to tidewater beyond the State. None

of it went to Eastern Virginia. Attempts were made to connect the southern section of the West with the East by railroad, but had not been successful down to the opening of the war. Less than half a million had been expended in grading the western section of the Covington and Ohio Railroad, though between four and five millions had been spent in trying to tunnel the mountain in Tazewell County; and some meager improvements had been made in navigation on Coal, Kanawha and Guyandotte Rivers—fragments of that costly but fruitless system of Virginia public works described by Governor Wise in 1857 as “beginning everywhere and ending nowhere.” If Eastern Virginia and Western had been separate commonwealths, there could hardly have been less of business and social intercourse than there was. The political bond which united them was always galling to the West; and for more than fifty years there were bickerings and strifes so bitter that they sometimes threatened violence. The differences were of a kind that might be borne but could never be reconciled. The matter of separation was only one of time and opportunity. The mills of God grind slow, but patience brings the last grist to its turn.

WALPOLE'S WESTERN VIRGINIA COLONY.

A curious chapter on the status in early colonial times of the territory now embraced in West Virginia was related by Hon. George W. Summers in an address in the old court-house at Wheeling, in August, 1863. West Virginia was then less than two months old. Mr. Summers had come out of his retirement to make some explanations

in palliation of his course following his return from the first session of the Richmond convention to the Kanawha Valley. The new State having achieved success without his help, he had become its ardent friend; and he closed this speech with some gratulatory remarks about the erection of West Virginia. The following passage is now deciphered from the short-hand notes taken at the time:

I suppose we have all been thinking we have done some new thing in making a State here between the Alleghenies and the Ohio River. I tell you, my friends, it was in contemplation, and was within an ace of accomplishment, within four years of a hundred years ago.

After the treaty of Paris, in 1763, by which England acquired the Canadas from France—all the claims of France to this Western country—Walpole and others applied for a charter for a colony "back of Virginia," to begin opposite the mouth of the Scioto River, running back to the Allegheny ridge, thence up to somewhere about Pittsburgh, including all the lands between the ridges of the Allegheny and the Ohio River. At that time, the bounds of Virginia were not conceded to go beyond the head springs of the rivers flowing into the Atlantic. All beyond was claimed at one time by France, who placed her monuments at the mouths of many of our rivers—one at the mouth of the Kanawha and one at the mouth of the Muskingum, I remember, in 1749.

This conception of Walpole and others proceeded so far that in 1769 a charter was made out for this colony by Hillsborough, then foreign secretary; who wrote a letter on the subject, which I have had access to and read, to the Governor and Council of Virginia, proposing this new colony and asking their views on the subject. There is a letter extant written by Mr. Nelson, President of the Council, in which he tells his Lordship he had received his letter and laid it before the Council; that it did not become the Council to advise His Majesty on such a subject, but that when the country should become sufficiently populated for a colony "back of Virginia"—not claiming it as Virginia at all—they could well concede it would be proper to do so.

The charter was prepared and was ready for signature of the Crown officer; when the events of the Revolution thickening upon them, it was suspended and cut off. It only escaped becoming a separate and independent colony from the Allegheny to the Ohio River by that chance.

I do not mention it as showing that it was not a part and parcel of Virginia, because by subsequent events and the recognition of the boundaries of the State, it might be regarded as a settled question. Although for one who has a mind to look into antique discussions it is a very curious fact that when Virginia was bargaining with Congress about the cession of her Northwestern domain—the lands northwest of the Ohio—she made it a uniform condition of her grant of these lands that Congress should guarantee to her the lands east of the Ohio River—that is, the lands between the Ohio and the Allegheny Mountains; which Congress uniformly refused to do. During that discussion, Madison, then member of Congress, wrote to Jefferson to furnish him the proofs of the right of Virginia to the lands west of the Allegheny: and they never were furnished by Mr. Jefferson; and finally the cession was made without this guaranty.

In this speech Mr. Summers claimed that twenty-five years before he had advocated the division of Virginia and had “perhaps done more to familiarize the public mind with the idea of such division than any man in the State.” All the more pity that he did not keep to that faith when time and event had ripened the fruit!

WEBSTER PREDICTS DIVISION.

The character of the tie that bound Western Virginia to Eastern was recognized by intelligent men outside the State as well as within. Daniel Webster took notice of it in his speech on the occasion of the laying of the cornerstone of the addition to the National Capitol, in 1851, when he warned the people of Virginia against the disunion issue which had been raised by Calhoun:

Ye men of Western Virginia, who occupy the slope from the Alleghenies to the Ohio and Kentucky, what benefit do you propose to yourselves by disunion? Do you look for the current of the Ohio to change and bring you and your commerce to the tide-waters of Eastern rivers? What man in his senses would suppose that you would remain a part and parcel of Virginia a month after Virginia ceased to be a part and parcel of the United States?

Henry Winter Davis, of Maryland, in the course of an address to his constituents, declared that "West Virginia belongs to the Mississippi Valley. Virginia can never withdraw from the existing confederacy undivided."

THE TORTOISE IN ITS SHELL.

Eastern Virginia always possessed a full endowment of the selfishness and blindness to its own true interests inherent in aristocratic communities. The aristocrat takes in only the little circle of which he deems himself the center, regarding all outside of it alien or hostile. Virginia was controlled by the belief that its narrow, peculiar society and civil system, based on slave labor and English tradition, was the flower of political and social wisdom. The commoner people in the West, growing in harmony with the genius of the great free Republic, were regarded as inimical to Eastern interests; and accordingly the East sought to keep this "peasant" population under due control by repressive provisions, constitutional and statutory, denying them their due share in representation and imposing on them more than their due share of the taxes.

The settlement of Virginia beginning at the tide-water and spreading westward, the older section naturally and

always made the newer their tributary. In the Revolutionary period, Mr. Jefferson found occasion to complain that the Tide-water district possessed great advantages in representation over the interior where he had his home. This inequality was always maintained at the expense of the outlying West.

The limitation of suffrage to land-holders was an aristocratic feature imposed on the colony under the second Charles in 1677; and it was maintained till the convention of 1850-1, when the West had grown so strong the East was compelled to make some concessions. In the matter of an aristocratic land-suffrage, Rhode Island received a like heritage from the "merry" and dissolute Charles II.; and the people there endured the restriction nearly as long as in Virginia. The Dorr rebellion in 1842 was a revolt against it. A portion of the people of Rhode Island despairing of other means of relief organized a convention, framed a liberal constitution and formed a State government under it. It was put down by the legitimate State authority with the aid of the military power of the United States, and Dorr was imprisoned. But he was vindicated soon by the action of a convention assembled by the regular authorities which framed a constitution conceding the reforms for which he had organized revolt. There was a time when it seemed not impossible some such insurrection might arise in Virginia.

THE NORTHWEST FILES COMPLAINT.

As early as 1829 the grievances of the West were felt to be so intolerable as to demand redress. In the House of Representatives, in 1862, when the bill for the admission of West Virginia was under discussion, Hon. William

G. Brown, from the Preston district, said that when the Virginia convention of 1829-30 met, Western Virginia was on the point of revolution. In that convention a sharp protest was filed by the Northwest through two of the ablest men the West had ever sent to Richmond: Alexander Campbell and Phillip Doddridge. Old Virginia had in that body some of her historic figures—James Madison, James Monroe, Chief Justice Marshall and John Randolph of Roanoke. Benjamin Watkins Leigh was there. It was he who had described the white people west of the mountains as “peasantry.” “What real share, so far as mind is concerned,” asked Mr. Leigh, “could the peasantry of the West be supposed to take in the affairs of the State?” Before the adjournment of this convention Mr. Leigh probably found the answer to his question; for at least the two peasant members from the Panhandle were able to measure intellectual swords with the ablest men the East had in that body.

THE CONVENTION OF 1829-30.

This convention holds a place in the history of Virginia dissension which calls for something more than passing mention. No body of equal gravity, nor of equal influence on the affairs of the State, assembled in Virginia between the convention of 1788, which ratified the Constitution of the United States, and the equally historic one which in 1861 tried to repeal that ratification. Certainly none equalling this as typical of Virginia greatness. Washington and Jefferson had departed, but a number belonging to the same era remained and took part.

SUFFRAGE THE FOCUS.

While the local interests of every part of the broad Commonwealth were represented and discussed, the main issue in the convention seemed to be very distinctly felt from the first; and from the beginning it was a drawn battle between East and West over the burning question of suffrage. At this distance of time it seems startling to recognize the irrepressible conflict between the two sections as it showed itself in openly expressed fear of division and the free handling of the question of disruption so long ago. The wonder arises that with such discordant elements, such outspoken discontent and hostility to an existing order of things within its borders, it was possible for the Old Dominion to hold the West under its domination so long, before the crisis arrived which settled the question of division at once and forever. Alarm and excitement were not only shown in debate but appeared also in the "instructions" and "memorials" sent up to the convention by the people. Chief Justice Marshall was charged with "a memorial from the non-freeholders of the city of Richmond," and another from "a highly respectable body of citizens in Fairfax County;" the burden of one and all being "an extension of the right of suffrage." An exceptional memorial was one regarding slavery which will be quoted further along.

These were from the East. From the West came no written memorials, for there were those from that section who were there to present in person the demands of their people—to fight rather than to pray.

SLAVERY AT THE BOTTOM.

It is apparent, in looking over the chronicles of this convention, that the question underlying all these surface differences was the issue of slavery in Virginia. All the able men in the convention, East and West, knew this. They foresaw from afar the coming conflict, and recognized, however reluctantly, that nothing could be permanently amended between the two sections until that which was the beginning and end of the whole conflict had been settled. Like the watch which in spite of everybody persisted in keeping wrong time till the magnet secreted near the mainspring had been discovered, nothing could go right in Virginia till the concealed but evil influence of slavery had been removed. Other questions might come and go, other causes be lost or won; but while this wrong remained as a basis of injustice and irritation, it would rankle and breed fresh dissension from year to year, until East and West should be rent asunder in fact as they had long been in feeling.

TWO PANHANDLE INNOVATORS.

West Virginia, now in the day of her accomplished freedom, has no need to be ashamed of the men who stood up for her rights and pleaded her cause in the convention of 1829-30. If they did not directly demand separation, they laid the foundation on which it was afterwards built. Campbell and Doddridge stood side by side on all questions of importance affecting Western interests and rights; and by their fearlessness and force in advocating reform and demanding redress, more than once challenged the

attention of some of the great names on the other side, notably John Randolph, whose crabbed astuteness perceived the full force of their position but refused to recognize it as persistently and contemptuously as he refused to look beyond the limits of "Old" Virginia for his political or social creed.

At the time this convention was held, the Virginia "Panhandle," represented by Campbell and Doddridge, was divided into but two counties—Ohio, embracing what is now Ohio and Marshall; and Brooke, now divided into Brooke and Hancock. The Monongalia district, then embracing that county, Preston and Taylor, was represented by Charles S. Morgan and Eugenius Wilson; Kanawha district by Lewis Summers, Edwin S. Duncan of Harrison, John Laidly of Cabell and Adam See of Randolph. Altogether it was a notable representation of the ideas and aspirations then liberalizing the Northwest; but it proved powerless before the aristocratic dogmatism of the old regime. Alexander Campbell seems to have naturally taken the leadership of the Western members and the championship of their cause. It was the only occasion in his long public career when he took part in what might be called politics; and more for this reason than any other, perhaps, his conspicuous part in this convention has in the long interval since been in a great measure lost sight of. Mr. Campbell was a man of very unusual energy and power; not only a thinker but a man of action; not only a master of theological knowledge and polemics—the founder and propagandist of a new faith—but a man of affairs also, who could build a great college, farm in a

large and successful way, edit religious journals, and discuss religious dogma with the ablest theologians of his time. If he had chosen to give his energies to political life, he must have been heard from in other bodies in Virginia than the one whose chronicle we are dealing with. As a man of affairs in that body, Mr. Campbell knew the interests of his section and people and could adequately represent them among the law-makers at Richmond. As a thinker and student of political and economic questions, he thoroughly comprehended the issue between the East and West; and on the declaration of the bill of rights, and on the question of the suffrage, he took high and firm ground. His oratory, like his personal appearance, was commanding and impressive and his utterance marked by earnestness and fearlessness. It was not the oratory of the politician or man of expediency. It was of the kind that remains on record as the truth which is forever true; the truth which was in its day far-seeing, prophetic, and which has since that day come to pass. John Randolph had no liking for the big Western preacher, whose view of things was so broadly different from his own. One day, possibly for lack of a better reply to some of Mr. Campbell's remarks, Randolph asked him: "With whom have you left those few sheep in the wilderness?" in rude allusion to Mr. Campbell's calling as a clergyman. Mr. Randolph did not and could not realize that that "wilderness" was one day to blossom as the rose, and that Mr. Campbell's own county of Brooke would become famous for its sheep, shearing the finest merino wool in the world, while Mr. Randolph's section, though engaged in wool-growing of another kind and grade, was destined never to win either wealth or enviable renown by reason of its product.

BASIS OF REPRESENTATION.

Phillip Doddridge, an eminent lawyer, a representative in the State Legislature and in Congress; a man of distinguished literary achievement best known to the world of letters by his "Notes on the Early Settlement of Northwestern Virginia," and his "Indian Wars," published at Wellsburg, Va., in 1824, offered a resolution declaring that in the apportionment of representation in the House of Delegates, regard should be had to the white population exclusively. This would have been but half a loaf, the Senate remaining on the aristocratic land-and-slave basis. But even this half-loaf was not to be conceded for another twenty years. During the discussion following Mr. Doddridge's proposition, Mr. Campbell supported it; and we note one paragraph as illustrating the great preacher's breadth of thought and manner of speech:

The policy of those gentlemen who advocate the money basis appears to me not only unrepblican but short-sighted. That policy which augments the power of wealth, *which tends to make the rich man richer and the poor man poorer*, is the worst policy for such a community as this, and must be at least for some time to come. My views of men and of the revolutions in human affairs make me a republican. My love for my own posterity would prevent me from voting for this amendment, if I had no other consideration to govern me. If I had the wealth of Stephen Girard, I could not, feeling as I do—viewing human affairs as I do; looking back into history or forward into futurity—consent to build up an aristocracy, because I should be erecting embankments and bulwarks against those dearer to me than myself. I do most sincerely wish that gentlemen would look a little before them and remember the lot of man, lest they should, in attempting to secure themselves from imaginary evils lay the foundation of real and lasting ones.

THE LOGIC OF FIGURES.

The fact that the West was growing away from the influence and control of slavery and its code of ideas, as sharply evinced in the audacious demand for a more liberal constitution, was held by the Egyptian taskmasters to show the need of a more restrictive plan of representation, not a more liberal one. Randolph adduced figures which showed that the progress in the West was becoming dangerous to Eastern control. As exhibiting the relative growth of the two sections, he brought forward statistics showing that in 1790 the white population east of the Blue Ridge was 314,523, west of it 127,594; and that in 1829 this had increased in the East to only 362,745, and in the West to 319,516. In these thirty-nine years the rate of growth in the East had been something over fifteen per cent; in the West one hundred and fifty per cent. In the district lying between the Ohio and the Alleghenies the increase had been from 38,834 in 1790 to 181,384 in 1829—nearly 370 per cent. In Virginia, as elsewhere, it thus clearly appeared the star of empire was taking its way Westward.

Randolph could point out these evidences of decadence in the East, where slavery sat like a nightmare on the breast of popular energy, and of growth in the wilder and ruder West, where the people were comparatively free from the incubus; but neither he nor his eminent compeers, despite their great names, were capable of making the application of the facts. They could not see that the remedy needed to be applied to the East, not to the West. They

saw nothing to do but to continue their antediluvian system framed wholly in the interest of a slave-holding rule. When Alexander Campbell sought to have incorporated in the constitution provisions which would modify—not abolish—the antiquated county-court, in which in every county a small number of men ignorant of the law were invested with judicial functions in addition to fiscal—in violation of a fundamental principle of the American system, under which the three departments of government are sacredly separate—Randolph attacked the proposition so vehemently, with so much sarcasm, and had so sympathetic an old-fogyism to appeal to, that the proposition was defeated.

THE EAST “STANDS PAT.”

As to citizen suffrage, the East would not have it. They stood together, apparently thinking their only security against the growing mob of white people west of the mountains was to disfranchise them. These gentlemen were even then sitting on the safety-valve but could not realize it. They thought to offset the growth of population in the West by keeping unlimited control of legislation, effecting that by basing representation on property and limiting the franchise to land-holders. “Do you know how much a white man was worth under that old constitution?” asked Mr. Van Winkle in the first West Virginia constitutional convention. The unit of representation in 1850 was \$532 of property. That is, as Mr. Van Winkle put it, “a white man was worth \$532;” which was considerably below the market value of a “likely”

negro. That much property—negro or other—had the same weight in the government as the white citizen. Besides, the white citizen was liable to be disfranchised for omission to pay twelve and one-half cents taxes—and the property was not.

DIVISION IN SHADOW.

The question of dividing Virginia was not brought tangibly before this convention. It was not advocated or threatened by anybody. But it was in the thoughts of members, who saw whither all this conflict of interest and opinion tended; and it was spoken of with bated breath by gentlemen of such conservatism and dignity as Monroe and Marshall. It was execrated by Randolph. By all, such a contingency was deplored. The talk of the Western men was without doubt, suggestive of revolt and was denounced as such by Randolph and others. Revolutions often result from such discussions as went on in that convention—and such conditions as provoked them. The revolution some of these fathers of the Commonwealth seem to have foreseen came and did its work midway between that day and this. The truth they spoke was the seed of the event, and the fruit remains with us. They uttered prophecies which time has interpreted. They were wise in their day; they were faithful to the gospel of equal rights, and the event has vindicated them.

ELOQUENT PROTEST AGAINST SLAVERY.

There were men in Virginia at that day who understood the cause of her paralysis and had the courage to declare it. Slavery had not yet throttled free opinion or

free speech, as it did later. A memorial presented to the convention in October, 1829, said that Virginia was in a "state of moral and political retrogression," and proceeded to specify:

That the causes heretofore frequently assigned are the true ones we do not believe. . . . We humbly suggest our belief that the slavery which exists and which with gigantic strides is gaining ground among us, is, in truth, the great efficient cause of the multiplied evils we deplore. We cannot conceive that there is any other cause sufficiently operative to paralyze the energies of a people so magnanimous, to neutralize the blessings of Providence included in the gift of a land so happy in its soil, its climate, its minerals and its waters; and to annul the manifold advantages of our republican system and geographical position. If Virginia has already fallen from her high estate, and if we have assigned the true cause for her fall, it is with the utmost anxiety that we look to the future, to the fatal termination of the scene. As we value our domestic happiness, as our hearts yearn for the prosperity of our offspring, as we pray for the guardian care of the Almighty over our country—we earnestly inquire what shall be done to avert the impending ruin. The efficient cause of our calamities is vigorously increasing in magnitude and potency while we wake and while we sleep.

Thirty years brought the beginning of the "fatal termination of the scene" thus graphically forecast in this memorial. It was no small faction whose opinions thus found expression. At that time in Virginia such views were still widely entertained. The teachings of Jefferson and George Mason had not yet been discredited. Washington in 1796 wrote to Sir John Sinclair, in England, accounting for the greater value of land in Pennsylvania than in Maryland and Virginia, that it was "because there were laws in Pennsylvania for gradual emancipation of slavery which neither of the two States above-mentioned

have at present but which nothing is more certain than that they must have and at a period not remote." George Mason said in the Federal Congress, of the African slave-trade, that "this infernal traffic originated in the avarice of the British merchants." He might have added "and British monarchs," for Queen Anne and two of the Georges put the profits of this "infernal traffic" into their private purses as stockholders in companies chartered by them to carry it on. Even this was not the worst exhibition of English monarchy—if anything could be worse; for Queen Elizabeth, as Macaulay relates, when 841 white convicts were condemned to servitude in the West Indies, asked that 100 of them might be given to her; and she cleared a profit of a thousand guineas on the cargo!

The best people of Virginia had not yet been converted to the new gospel of slavery which had found its inspiration in the cotton gin. The new shibboleth was put into words by the committee of the convention which sat in Richmond thirty years later. "African slavery" they said, "is a vital part of the social system of the State wherein it exists."

TESTIMONY OF THE WISE.

"What a stupendous, what an incomprehensible machine is man!" wrote Jefferson from France when he learned his proposed amendment for gradual emancipation had not been embodied in the revised code of Virginia—"Who can endure toil, famine, stripes, imprisonment, and death itself, in vindication of his liberty, and the next moment be deaf to all those motives whose power

supported him through his trial, and inflict on his fellow-men a bondage one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose." As late as 1821, when 77 years old, Jefferson wrote:

It was found the public mind would not bear the proposition. Nor will it bear it even to this day. Yet the day is not distant when it must bear it and adopt it, or worse will follow. Nothing is more certainly written in the book of fate than that these people are to be free. . . . It is still in our power to direct the process of emancipation and deportation peaceably. . . . If, on the contrary, it is left to force itself on, human-nature must shudder at the prospect.

George Mason had put his convictions on record in these words:

Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. *By an inevitable chain of causes and effects, Providence punishes national sins by national calamities.*

Prophetic words, soon realized after Virginia and South Carolina undertook to propagate the new gospel with the edge of the sword!

Henry Clay, born and reared in Virginia, agreed with her older statesmen. "Slavery," he said, "is a curse to the master and a grievous wrong to the slave."

Dr. Henry Ruffner, of Kanawha, who died at Charleston about the close of 1861, had more than once appealed to the anti-slavery traditions of Virginia against

the later propagandism. "Our own Western Virginia," he said, "furnishes conclusive evidence that slavery in all quantities and degrees has a pernicious influence on the public welfare."

In the United States Senate, in July, 1862, Charles Sumner, in opposing the admission of West Virginia with a constitution recognizing slavery, said "there might not be many slaves, but it takes very little slavery to make a slave State with all the virus of slavery;" and he refused to vote to increase the representation from slave States in the Senate. Thus Mr. Sumner reinforced Dr. Ruffner's idea regarding the potency of a small leaven of the evil institution. The history of Western Virginia well illustrates the thought, as will more strongly appear when we come to the struggle over the question in framing the first constitution for the new State.

It illustrates the changed attitude of Virginia to note that John Tyler when in the Senate, in 1832, in a bill for the government of the District of Columbia incorporated a provision for the abolition of slavery therein. In 1861 he was hand in glove with the secession conspiracy and was one of the "Peace Commissioners" who protested against possible abolition in the District.

INSPIRATION OF THE COTTON GIN.

It appears that even when these memorialists were praying that old convention to arrest the evil of slavery, the institution was rousing itself like a giant refreshed with new wine under stimulation due to the cotton-gin. The growing demand for slave labor in the culture of

cotton and sugar offered Virginia a new industry at a time when her other industries had broken down, and the profit of breeding them for the market soon reconciled her people to the wrong and silenced all dissentients. There is a wide difference between a wrong which yields a profit and one that does not. As Pope remarks of another monster of frightful mien, they learned to

—"first endure, then pity, then embrace."

The breeding of negroes was more lucrative than breeding cattle, or raising tobacco, and not so exhaustive of the soil. There was a good deal of cross-breeding, and a large percentage of the human stock shipped to the Gulf States bore the best blood of the F. F. V. In the convention of 1829-30 it was stated by a member that the value of slave exports from Virginia had then reached \$1,500,000 per annum. Four years later it had risen to \$10,000,000! Values rose with the increased demand. Hon. James H. Hammond, U. S. Senator of South Carolina, in a speech delivered at Barnwell Court House, S. C., in October, 1858, showing the prosperity of the slave institution, said: "In this very quarter of a century our slaves have doubled in numbers and each slave has more than doubled in value. The very negro who, as a prime laborer, would have brought \$400 in 1828, would now, with thirty years more upon him, sell for \$800."

DOMESTIC SLAVE-TRADE.

This domestic slave-trade was active in Western Virginia, though far less important there than in the East. When the writer of these pages was a boy, there was,

about three miles east from Clarksburg, near the home of a distinguished ex-Governor of Virginia then living, a negro "ranch" where young negroes, from mere children upward, were corralled, ranged and fed for the Southern market, almost as if they had been sheep or swine. In summer, the younger ones ran about in *puris naturalibus*, clothing for them being deemed a needless expense. There are people yet living in Harrison who will remember this establishment, though the proprietor, like the Legrees and all of his kind, has long ago gone "the primrose way." This human stock-yards was the consummate flower of the patriarchal institution which Northwestern Virginia was fighting to get away from; which some of her able politicians found it so heartbreaking to give up when the crisis was on us in 1861!

The author's mother distinctly remembers when she was a child of nine or ten seeing a great drove of negroes pass her home, on the "State Road," about where Cherry Camp station now is on the Northwestern Virginia line of the Baltimore & Ohio Railroad, on their way to the Ohio River, it is to be presumed, for transport down the river by flat-boat. There were women and children, as well as men, and a few teams probably carrying provisions. The men were chained together. She recalls that the drove seemed a long time passing and thinks there were several hundred. This was about 1826 or 1827.

In *Les Misérables*, Victor Hugo describes the passage of a gang of galley-slaves leaving Paris one chill morning from the Bicêtre—a spectacle so lamentable as to express every conceivable human degradation and wretchedness. After they have passed, little Cosette with trembling asks:

"Father, are they still men?" "Sometimes," Jean Valjean replies. He is thinking of himself and remembering that thirty-five years before he had passed the barrier in a like gang, with the gyves on his wrists and the collar on his neck.

Here there was at least the presumption of crime to mitigate the horror of the scene; but with that long caravan of black people, chained together like cattle, destined to a servitude as cruel and more irrevocable and hopeless than the galleys, there was not even the element of alleged crime to temper the awful tragedy.

"PUT YOURSELF IN HIS PLACE."

In one of the popular magazines, in the summer of 1897, was told a story which illustrates some features and possibilities of this domestic slave-trade. It was related that, in 1845, at Yorktown, Virginia, by the death of a young man whose name is given, the last in the male line of an old family, the family was broken and their slaves sent to the block. One of these had been the body-servant of his young master, and very likely of kindred blood, for one was as white as the other; had been reared with him from infancy; "had enjoyed the same advantages, and through association with the best society of many countries had acquired an ease of manner and fluency of speech, which, combined with his handsome person, would have made him an ornament in any circle. There was so little negro blood in his veins he would have passed as a white man anywhere, and was held in high esteem by his master and all his friends." A burly slave-dealer, whose name is given as James Hubbard, and who

is described as a man of "powerful physique, coarse manners, hair and eyes intensely black, and complexion so swarthy he would have suffered by comparison with many of his human chattels," had long had his eye on "Mack," and when it came to the auction, he ran the price so high that Mack became his property. Hubbard took his chattel to New Orleans; but, actuated apparently by vanity, instead of selling him, he kept Mack as his body servant, dressing him like a gentleman and allowing him the greatest freedom. Mack had some money, and, keeping out of his master's way, he frequented saloons and gambling places where he passed for a Virginia planter and made some acquaintances among the fast set. The story relates that walking on the street one evening with one of these, his master passed by on the other side of the street.

"You see that boy over there?" said Mack carelessly, indicating Hubbard. "I brought him down here with me and he has got so independent I have got to sell him."

"What will you take for him?"

"Why, he ought to bring me \$1,500 quick, but I will take \$1,000 if it can be arranged quietly."

In less than twenty-four hours they had agreed on terms and Hubbard had been sold by his slave. The papers were passed and the money paid over, Mack only stipulating that the buyer should take his property without needless disturbance. When Hubbard was seized, he fought like a wildcat; but he was finally overpowered and taken from the fashionable hotel to the jail. Nor could

he get release until three well-known citizens of Williamsburg, fortified with papers of identification from the Virginia authorities, made the long trip to New Orleans. The trial cost Hubbard a large sum of money and consumed a great deal of time, not to speak of the wear and tear of temper; but for once in his brutal life he realized what it was to be a human chattel. Meantime Mack had disappeared and was never traced beyond the wharf whence he took passage for the North. It was supposed he went to France, where he had lived during his former master's student days.

VAIN WARNING.

By the failure of the insurrectionary enterprise, undertaken in 1861, all this profitable industry and traffic was wholly lost to the Old Dominion, and even her stock in trade. The cotton States were then looking to the reopening of the African slave-trade. Sherrard Clemens, in the United States House of Representatives, January 2, 1861, warned Virginia of the risk she would take of losing her domestic trade in negroes by an alliance with the Southern Confederacy. "One of the first measures of this Confederacy," he said, "would be to reopen the African slave-trade so as to reduce the price of negroes. They would not then purchase the negroes as they do now, paying \$1,600 for a good hand here; they would bring them at a low price from Africa and then mould them into shape by the blessings of Christianity and civilization."

The greed of Virginia to breed negroes for the cotton fields was akin to that fiercer greed under spur of which Spain, in her fury for gold, committed such unspeakable atrocities upon the simple and innocent peoples in the central parts of the American continent. It is another illustration, like that unequalled infamy, of the devilish capabilities of even enlightened human nature when under control of a base motive. "The crime of Spain," says Draper, "became her punishment." From the greatest of nations she has come down to the weakest. So, too, did the crime of Virginia avenge itself on her. For that this traffic of hers in human flesh and blood—too often their own—should produce degeneracy among Virginians is no surprise. As against the Washingtons, the George Masons, the Henrys, Madisons and Marshalls of the olden time, 1861 had evolved the Wises, the Pryors, the Tylers, Letchers, the "Jim" Masons and Floyds, and others akin. Nature and justice will be avenged. The French Revolution was scarcely less the offspring of sexual profligacy in official circles than of oppression by the privileged classes. The governing class had become debased and were no longer fit to rule. So 1861 in Virginia was legitimate heir to the forty or fifty years of growing degeneracy and brutality leading down to that bloody culmination. That year found the old "Mother of Presidents" with moral sense blunted, humane sentiments replaced by the truculent impulses of the slave-driver and human-stock-breeder. We see the savagery of Legree crop out in the violence around the Richmond Convention—in the rank conspiracy which

summoned its ruffians to the Capital to inaugurate a reign of terror; in the intimidation by Wise when he rises in the secret session of the Convention, and, drawing a large Virginia horse-pistol from his bosom, lays it before him and glares around him at the Union members like some homicidal maniac; in his later cruelty to the poor Jew merchants at Charleston, whose sole offence was loyalty to their government; in the devilish cruelty of Pate's and Jenkins' troopers to Congressman Whaley and his fellow prisoners captured at Guyandotte—all detailed in these pages. Wise once said with reference to the Virginia schemes for colonizing in Liberia: "Africa gave Virginia a savage as a slave; Virginia gives back Africa a citizen and a Christian." This appears to be only a part of the truth. Emerson says, "you cannot do wrong without suffering wrong. If you put a chain around the neck of a slave, the other end fastens itself around your own. * * * For everything that is given something is taken." While Mr. Wise was making a citizen and Christian of the African savage, the African citizen and Christian was making a savage of Mr. Wise. It was simply an exchange of characteristics in strict accord with Emerson's (or rather God's) law of compensation. If slavery had lifted the black as claimed, it had at the same time barbarized the white—of which truth where shall we find a fitter illustration than Wise himself?

The destruction of the Roman empire Dr. Draper attributes to the extinguishment of the ethnical element of Rome in the flood of barbarian^{and} invasion, producing "blood degeneration." There was blood degeneration in Virginia—but there was worse. The blood degenerates

were sold to the rice, cane and cotton fields. Those who sold them were sometimes their brothers, sometimes their fathers. The catastrophe there was moral, not ethnical. The noble ideals of older Virginia, always recognizing the wrong of slavery and looking to its removal, were overwhelmed in the demoralization arising from a new greed for wealth and power which deemed crime against human nature no bar to its objects. Never nor anywhere did any people coin human flesh and blood into money in a baser way.

It is an inexorable law of the moral world that the wages of sin is death; the cost of crime expiation. Virginia in 1861 was but coming to judgment; only preparing to reap what she had sown. The Richmond malefactors could not realize this, for whom the gods are about to destroy they first make mad. "Judgment for an evil thing," remarks Carlyle, "is many times delayed some day or two, some century or two; but it is as sure as life, it is as sure as death."

REJECTED BY THE WEST.

The testimony in that old convention against slavery, and against the inequality of white rights it demanded, fell upon dull ears. "No man would listen," as Carlyle says of another case of like fatuity; "each went his thoughtless way, and time and destiny also traveled on." None of the reforms demanded by the West were conceded. The Eastern aristocrats went on in their own predestined course and made a constitution so ill-suited to Western needs and ideas that on the final vote in the

Convention every vote from territory now in West Virginia was cast against it, except that of Phillip Doddridge, who was ill and absent; and when it was submitted to the people, it was condemned in the West with corresponding unanimity. In Brooke County, 371 votes were cast against it, not one for it; in Ohio 3 for and 643 against; in Harrison 8 for and 1,112 against; in Tyler 5 for and 299 against; in Preston 121 for and 357 against. Two-fifths of the vote in the entire State was against this constitution; and two-thirds of that adverse vote was in the West.

“TWENTY YEARS AFTER.”

Twenty years later came another convention and another revision. In this twenty years the world had not stood still, despite the contrary belief on the part of the Richmond political “Jaspers.” In this Convention of 1850-51, the West was again ably represented, with George W. Summers, a Whig, in the leadership. He was seconded by such men as “Tom” Gally, of Wheeling, Carlile, Van Winkle and James H. Ferguson. Joseph Johnson and Gideon D. Camden, of Harrison, and Zachariah Jacob, of Wheeling, were in this Convention.

A MAN OF MYSTERY.

Mr. Ferguson, a man of remarkable mental power, was in the post-bellum period the sphynx of West Virginia. He was a native of Montgomery County, Virginia, but removed to Cabell County when a youth. He studied law on the shoemaker's bench, went to the Legislature, and, despite the lack of all artificial advantages, at once took

foremost rank. While a member of the Legislature, he was elected to this Convention. After its adjournment, he disappeared for a dozen years, but came back into West Virginia about the close of the war, bearing about him an unpleasant odor of mystery and suspicion. Gossip said he had been with the Mormons, the lieutenant of Brigham Young, and that he had been present at the Mountain Meadow massacre; other gossip, that he had been in the Rebellion; other again, that he had been living in New York incognito. But he seems to have left little trace of himself in that interval of darkness. When he came into Cabell County, in 1864, he entered quickly into public life; and so commanding were his abilities that there was none to dispute his primacy in the Legislature into which he soon found his way, nor at the bar, nor on the bench, to which he ascended later. There was a time when he could apparently have had the United States Senatorship for the asking, but modestly held back. There were those who explained his modesty by the theory that he shunned the blaze of a too great conspicuity. It was he who, in the West Virginia House of Delegates, in February, 1865, introduced the bill by which slavery was abolished in the State. The Fifteenth Amendment had just been ratified and there was no longer any contest over the question. The Richmond Convention of 1850-51 had agreed, after a three-months' debate on suffrage, that the white basis should be conceded for the House and the mixed retained for the Senate. There was an informal understanding—a part of the settlement not put into the constitution—that in 1865 the people of Virginia might vote on an amendment constituting the Senate also on

the white basis. It happened to Mr. Ferguson that in that year by his hand should be plucked out the last root of the pestilent plant of slavery from trans-Allegheny Virginia.

A HALF LOAF.

The demands of the West in this Convention were too forceful to be longer resisted, and some concessions had to be made towards reform and liberalization. Besides the white basis for the House, vainly demanded by Doddridge twenty years before, the people were permitted to elect the Governor—theretofore appointed by the Assembly. It is worth noting that for the first time under the new constitution then made the West furnished the candidates for Governor. Summers of Kanawha and Johnson of Harrison were the champions of the Whig and Democratic parties respectively; and Johnson, the “runt,” was chosen over the intellectual Whig giant. For the explanation of such a result, we do not have far to go. Mr. Summers had in this Convention made the greatest and most creditable speech of his life, showing that slavery was not only the foe to progress in the West, but the cause of multiplied ills from which all Virginia was suffering. The Democratic party in Virginia was the defender of slavery, and nowhere more zealous in its service than in Western Virginia.

The mixed basis in the Senate under the new constitution gave for slaves a representation equal to three-fifths of the white unit. Thus five slaves conferred as much political power as three white men.

In 1860 there were in all Virginia 498,887 slaves, of whom 12,771 were in the 48 counties first formed into West Virginia. The 486,116 slaves in the east were equal in the Senate to 291,669 white people, of whom there were then in those 48 western counties 334,921, whose political power was thus nearly neutralized by this slave representation.

UNFRIENDLY LEGISLATION.

Eastern jealousy of the West did not confine itself to discrimination in matters of suffrage and representation. A well-informed citizen of West Virginia, writing thirty-odd years ago, says the expediency of dividing the State was discussed as early as 1822. The result of that discussion, he says, was that the East took alarm and "the seaboard and tide-water districts, in order to make sure of the Valley, extended internal improvements of all descriptions into that section, uniting the people commercially and socially with Richmond; and after the Baltimore & Ohio Railroad had extended a branch to Winchester, our Legislature denied further charters; and when Baltimore proposed to extend branches of its road throughout our territory at its own expense, the Legislature refused to grant charters for the purpose, being willing neither to improve our country nor to permit any one else to do it."

It is well-known that the granting of a charter for the extension of the Baltimore & Ohio road through to the Ohio River was long resisted at Richmond as in line with the policy of discrimination against the western section, to protect the slave-holding East against an undue

increase of western power and influence—Richmond fearing also the commercial rivalry of Baltimore. The same selfish policy forced the building of the Cleveland & Pittsburg River line on the western bank to a terminus a mile away from its objective point and beyond two rivers; and never till we had cut loose from Richmond was a road permitted to go from Pittsburg to Wheeling by the short route on the Virginia side.

This hostility to railroad facilities for the Northwest persisted down to the opening of the Rebellion; and the manifestation of it vindicated the wisdom of extending the borders of the new State eastward so as to take in the line of the Baltimore & Ohio. In the boundary discussion in the Constitutional Convention, in December, 1861, Mr. Van Winkle remarked that since 1850-51, when the Northwestern Virginia Railroad was chartered, he had spent a part of every winter at Richmond. He said:

My principal business, besides endeavoring to get some legislation for our company, was to fight off, in the best way I could, the attempts that were made in every session of the Legislature, without an exception, to place restrictions on this Baltimore & Ohio Railroad. The whole course of legislation towards it has been characterized by a spirit—I hardly know how to describe it; for it would dignify it to call it by the name of rivalry, competition or jealousy—of something that could not bear to see prosperity of any rival city in another State to which that road was contributing.

Referring to these remarks of Mr. Van Winkle, Mr. Hall, of Marion, said:

I believe my friend (VanWinkle) has not been down at Richmond as recently as some of the rest of us. My friend from Doddridge (Stuart) and my friend from Monongalia (Willey)

could bear testimony with myself to other matters carrying out and evincing that same principle. Yes, sir, with clenched teeth they cursed themselves there for having been so stupid as to allow the Baltimore & Ohio road to be built. "Why," they said, "we have gone and given them a charter, and the thing has abolitionized the whole country!" Henry A. Wise and others were debating the thing; and if they had not had other matters that engaged them more directly, they would have urged upon that convention the repeal of the charter of that road, would have cut it plumb in two.

MR. WILLEY: Mr. Wise and his friends declared that the act of secession did repeal that charter.

MR. HALL of Marion: Yes, that is a fact.

MR. VAN WINKLE: That they had a right to take possession of it.

MR. HALL of Marion: Yes; that by the very act of secession the charter rights ceased to be of validity; and since that they have hauled away the cars and piled up the rails. That is "unfriendly legislation," and more too.

UNEQUAL TAXATION.

While, as we have seen, the slave was made an enormous political factor and his owner allowed to shape the entire statutory system of the State, the value of the chattel evaporated when it came to taxing it. A slave worth on the block \$1,600 to \$1,800 was taxed the same as \$300 value of land. Those under twelve years old were exempt. In the West where chattel property was chiefly in live-stock or other farm products, or in manufactured goods, these were taxed on their full value.

Haymond, of Marion, in his two-days' speech in the Richmond Convention of 1861, contending for ad valorem taxation, showed up this iniquity. Taking the latest figures available, he said that in 1859 there were in Virginia 239,000 slaves under twelve years old, 272,000 over

twelve. The slaves twelve years old or over were taxed the same as \$300 worth of land, the others were totally exempt. He said slave property had trebled in value during his recollection. The Auditor of Virginia estimated the Virginia slaves as being worth over \$600 in Georgia. The 272,000 slaves over twelve being taxed at \$300 each less than their value, here was an exemption of \$81,600,000, which should have yielded a revenue of \$326,000. The 239,000 slaves under twelve, totally exempt, Mr. Haymond valued at \$300 each. Here was another exemption equal to \$71,700,000, which, taxed as other property, should have yielded a revenue of \$286,000. The trans-Allegheny section of the State, he said, paid \$693,000 annual revenue—very little of it on slave property. The entire slave property of the State was worth \$234,000,000, but paid into the treasury only about \$326,000. Of that property, \$153,300,000 did not pay one cent. At the rate paid by real estate west of the mountains, four mills, this slave property should have paid \$937,600.

As if these inequalities were not enough to fill the cup of the white working-people of the West, there was laid a tax on wages. Mercantile business was taxed by a system of licenses, on the theory that the prosecution of trade was a privilege and not an immunity of citizenship. The earning of the daily bread by the sweat of honest brows was another privilege to be taxed, and if possible degraded, because it was at war with the system controlling State legislation based on the theory that labor is disreputable and should be performed only by slaves. The man whose only income was his day's wages must give up part of it to the State before his family had been fed

and clothed, whether there might be a surplus or deficit. The State took its exaction first; the wife and children had what might be left. A tax of this kind has in enlightened lands always been deemed little less than infamous. It is the naked knife of Shylock demanding its pound of flesh, for it defies the maxim of finance, everywhere recognized, that all taxes shall come out of surplus.

UNFAIR EXPENDITURE.

To make these tax discriminations the keener, the revenues required in such undue proportion from the West were lavished in even greater disproportion in the East, in the construction of public buildings, railroads, canals and other highways. In the Virginia House of Delegates at Wheeling, December 21, 1861, in a discussion on the Kanawha Improvement, it was stated by a member from Kanawha that the tolls amounting to \$20,000 a year had formerly "all been devoted to James River Improvement." The fact is curious and instructive as a sample of the spirit and policy of the Richmond régime towards the West. There was an internal improvement fund in Virginia yielding \$90,000 annual revenue which went chiefly to James River and wholly to Eastern objects.

WESTERN LOG-ROLLERS.

It must be admitted the West was not always blameless. Many of her politicians were pusillanimous representatives of the western constituency. They were mere toadies and time-servers, purchasable with very small favors. It was largely their fault that the West was thus

robbed year after year and despised by the eastern lords and masters for submitting to it. If a turnpike was secured west of the mountains, it was at the cost of twenty times its value voted to some grander improvement in the East.

EDUCATIONAL BARRENNESS.

There was a State educational fund which as far back as 1831 amounted to over a million and a half and yielded \$75,000 a year revenue; but this revenue was devoted entirely to eastern institutions of learning, which were available even there only to the wealthy. Provision for general education for the common people never found a place in old Virginia statesmanship, though strongly urged by Jefferson about 1776. It could not; for all light and knowledge, except for the limited class of proprietors, was incompatible with if not dangerous to slavery. The children of the common people were left to browse in the "old-field" school and find there what scanty education they could. From the earliest colonial times educational conditions in Virginia had been peculiar. The structure of society there took the exclusive rather than the democratic social form. In New England the first impulse was to group into neighborhood communities so as to have school and church centers. Small land-holdings and social intercourse was the tendency and became the rule. The movement there was centripetal. In Virginia it was centrifugal. The men who came into that wilderness were not Puritans. They were of a different class in England, were Episcopalians in religion and considered themselves aristocrats—many of them mere adventurers, others worthless

offshoots of good families. They encountered little hostility from the Indians; and as soon as they dared venture into the wilderness, reached out for vast areas of the teeming soil around them and sought to imitate the solitude and magnificence of the great English estates, each putting miles between himself and his nearest neighbor, with no community around him but his slaves and white retainers. This created a semi-feudal society in which social or educational centers were impossible.

Such institutions of learning as existed in earlier colonial Virginia were not the creation of the colony. William and Mary College was endowed only after thirty years' effort by a few who wanted an institution to educate young men for the ministry of the established church, the Episcopalian—especially through the zeal of one man, Rev. James Blair, who devoted his life to the work. He at last secured a royal grant for two thousand pounds, to be paid out of the "quit rents" of Virginia. To this was added private subscriptions, Governor Berkeley being one of the subscribers. But it was evidently the religious, not the educational, side of the institution which appealed to the Governor, for on one occasion when the commissioners for foreign plantations asked him for information regarding education, he replied: "I thank God there are no free schools or printing, and I hope we shall not have these hundred years, for learning has brought disobedience, and heresy, and sects into the world; and printing has divulged them and libels against the best government. God keep us from both!"

The lack of educational advantages in this early Virginia was no more a matter of regret with her rulers in

England than with her rulers at home. It is related that when Mr. Blair went to Attorney General Seymour with the royal mandate to issue the charter to William and Mary, Seymour demurred. The country was then engaged in war and could ill afford to plant a college in Virginia. Mr. Blair urged that it was to prepare young men for the ministry. Virginia, he said, had souls to save as well as their English countrymen. "Souls!" replied Seymour. "Damn your souls! Make tobacco!"

There is no account of a printing press in Virginia earlier than 1681; and when Lord Effingham came out to be Governor he was instructed by the ministry "to allow no person to use a printing press on any occasion whatever." From that time till 1729 no printing was done in Virginia; and from that year until ten years before the Declaration of Independence there was but one press in Virginia, and that one "was thought to be too much under the control of the Governor."

Religious expression was no freer than intellectual. It seems remarkable that under such conditions men in Virginia should have made the progress they did in the direction of liberal government. When Jefferson came upon the stage of action he gave his whole energies to the amendment of these conditions. In some of his private correspondence he said: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." The situation in Virginia before the time of Jefferson is thus described by Moses Coit Tyler:

The units of the community isolated; no schools; no literary institutions, high or low; no public libraries; no printing press; no intellectual freedom; no religious freedom; the force of

society tending to create two great classes—the class of vast land owners, haughty, hospitable, indolent, passionate, given to field sports and politics, and a class of impoverished white plebeians and black serfs.

Such was the Virginia from which even Jefferson could not wrest a system of free common schools. What institutions of learning did at length grow up did not meet the crying need of the common people. The wealthy could send their sons and daughters abroad to be educated. The poor could neither do this nor use the few endowed institutions at home. From these conditions the West was in later times the greatest sufferer; for its society was assuming the more social and concentrative form characteristic of the free States and felt keenly the lack of schools. It had not even colleges for the wealthy; while the sturdy boys and girls of the common people had to struggle for a meager knowledge of the “three Rs” in the primitive emergency schools as best they could.

DEBT PILED UP FOR BENEFIT OF THE EAST.

If the one-sided expenditure by the Commonwealth had been limited to its revenues, while grievous it would still have been less outrageous than it was. But all this while the State was borrowing millions which were being expended along the same lines of discrimination; until, when Virginia by her plunge into the Insurrection closed the account between the two sections, there existed a bonded debt currently reported in 1861 at about forty-five millions, but really of about thirty-two millions, of which West Virginia is accountable to the old for less than a million for expenditures west of the Alleghenies.

RUINOUS LAND SYSTEM.

One thing that operated to retard settlement and growth in Western Virginia was the vexatious land system. For two cents an acre the State treasury sold land warrants which could be laid on any unappropriated lands. In a country where surveys were so difficult and the record of them so obscure as in the greater part of the southwest, it is not surprising that in time millions of acres became shingled with these warrants two or three deep. The courts were filled with controversies over titles. Besides, there were large tracts for which patents had been issued in colonial days by the sovereigns of Great Britain to their favorites over which conflicting claims arose with people who had laid warrants on these lands or with squatters who had taken possession without warrant. In later years the courts have had to deal with some cases where the squatters were so numerous and determined as to require the employment of force to carry out the decrees of the court and put the legitimate owners in possession. The original design of this system was to create a sinking fund to relieve taxes, rather than to encourage the settlement of the region west of the mountains. Most of the warrants went to men who took up the lands and held them for speculation, thus rather retarding than promoting settlement. These holdings were so slightly valued down to the time of the Rebellion that holders used every shift to evade the petty taxes on them, which on a thousand acre tract seem to have amounted to scarcely twenty dollars in twenty years. To-day these lands are among the most valuable in America, covered with valuable hardwood timber, and underlaid with the finest bituminous

coal and deeper down with caverns of petroleum—made thus valuable by the development which had its beginning in the separation from old Virginia and her paralyzing policies. While these pages are being written the newspapers bring reports of a sale of less than 250,000 acres in the Pocahontas coal region to a trust for \$10,000,000.

THE OPEN VOTE.

One of the agencies—and no unimportant one—for maintaining the domination of the slave aristocracy was the system of viva voce voting at popular elections. Under its operation all dependent men went to the polls under duress. Only those in independent circumstances could vote with entire freedom. Nor even they, however placed beyond business injury; for the social code was exacting, and an attitude that was deemed unfriendly in politics to the dominant slave regime was sufficient ground for social ostracism. This open vote was one of the shackles cast off in the first constitution of West Virginia. When the ballot method was adopted in the convention that framed that constitution, the *Wheeling Intelligencer* made this comment:

Had this been done years ago, we never would have been in revolution to-day. A large part of the voters of this State by virtue of the viva voce system have been its veriest slaves. Thousands of men have voted every year contrary to their convictions in order to make their peace or secure the good will of those who had them in some way and in some degree in their power. It was called by its adopters a system that preserved "the healthful influence of the landlord over the tenant," or in other words made the tenant a slave to vote as he was told. Such a system was a disgrace to our statute-book. It was one

of those old aristocratic thumb-screws of Eastern Virginia engrafted by her and preserved by her in our early and later constitutions to prop up her despotic influence.

THE WESTERN SERFDOM.

Under the conditions described, the West never was or could be anything but a political cipher and a tributary from which large revenues were exacted without corresponding benefit. Her abject position is shown in the fact that in three-quarters of a century the territory west of the Blue Ridge had but one United States Senator and only one Governor. While the larger part of the Western people were of Virginia stock, they had nevertheless at last grown to realize that they had some rights entitled to respect—that hitherto too much had been required and too little given. They were Virginian in their traditions and did not give up their pride in the historic fame of the Commonwealth; but they saw the Old Dominion had become degenerate; and they had at times been made to know that she was intolerant in the matter of personal liberty, to which by her bill of rights she was so generously pledged. A considerable population along the northern and western borders had leaked in from Pennsylvania and Ohio who had little reverence for Virginia traditions and no liking for the peculiar institution, which they found antagonistic to their interests and self-respect.

INTOLERANCE OF THE SLAVE REGIME.

It had become the deliberate policy of those who managed the politics of slavery to trammel men's speech, lest it be unfriendly. How after the tide turned with the institution early in the century this intolerance grew with the

growth and power of the slave cabal—how liberty of the press, of speech, even of private reading, suffered prohibition and outrage—is too large a part of the country's history to need more than passing allusion. Western Virginia had become so nearly free soil that her people were not often subjected to the intolerance which was so intolerable in some other parts of his "Sable Majesty's" dominions. Yet even there men were sometimes made to feel the muzzle through public opinion and social pressure—sometimes by application of the inquisitorial statute which made the printing of any opinions deemed unfriendly or disrespectful to H. S. M. *lese majeste*. In 1856, when the Republican party had put its first ticket into the field, there was a general purpose in the border States to stamp out all sympathy with it by application of the Southern inquisition. In Wood County, William E. Stevenson, afterwards Governor of West Virginia, was indicted for giving circulation to Hinton Rowand Helpers' book, "The Impending Crisis," a valuable work of statistical and political information, written by a citizen of North Carolina with a political foresight amounting almost to prophecy. But the prosecutors lacked courage to bring the case to trial. In Harrison, William P. Hall and Ira Hart were indicted (though never brought to trial) under instructions of Judge Gideon Draper Camden, of the Clarksburg Circuit, assisted by Benjamin Wilson, prosecuting attorney, for giving circulation to the New York Tribune. Horace Greeley was included in the indictment for publishing the paper. Under the tyrannical statute of Virginia that newspaper was held by this honorable court to be "incendiary." It illustrates the

whirligig of time and its revenges to mention that in 1870 Mr. Greeley lectured at Clarksburg by invitation of the Harrison County Agricultural Society, and it happened to me to report and publish his address.

It is not easy, even for those who lived through it, to realize now how abject in States like Virginia was the deference to the exactions, social and political, of the régime which ruled the South. All men who aspired to public station, who already held such places, or who were in any wise conspicuous in the public eye, trimmed and cringed before the all-pervasive sentiment of loyalty to slavery. It was as obnoxious and as dangerous to disparage it as it is in Russia to express any lack of respect for the Czar. Politicians accepted the attitude of veiled hostility to the Federal government required by this fealty to "Southern Institutions." They paraded on all occasions their attachment to their State; there was everywhere the narrowest and rankest provincialism.

SOUTHWEST TRUE TO RICHMOND.

At the opening of 1861, the southern section of what is now West Virginia was more in sympathy with the old régime in the East than with the new ideas fermenting in the Northwest. It is true, as claimed by Carlile in the August convention at Wheeling when that body was considering the question of division, that in a political sense there was no West except the Northwest. "When gentlemen speak of the West," said Mr. Carlile, "they think of it as defined by a natural line. In a political sense there is no West, and never has been, save the Northwest. That is the fact as the records and journals for the last half

century will justify." In the region drained by the Great Kanawha, slaves were numerous and the sympathy with the system stronger than their number warranted. In the Wheeling May convention, there was not a delegate from any county south of Mason; in the June convention, none at the opening from Kanawha or Putnam. A delegate presented himself from Cabell, but could not—or would not—take the oath of loyalty and went away. He had been elected to the Legislature, but preferred Richmond to Wheeling and soon joined the rebellious body on the James. In the convention that framed the constitution for the new State, a Kanawha delegate made persistent efforts to rip up the boundary prescribed by the August ordinance in a way which if it had been successful must have defeated the division entirely. The feeling among the dominant class in that region at that time is indicated by a statement made by Robert Hagar in the constitutional convention; that he was personally acquainted with all the owners of slaves in Boone, Logan and Wyoming, and that of the whole number only one (John McCook) was a Union man. What was true in those counties was true in others—indeed, throughout the State. Napoleon said scratch a Russian and you would find a Tartar underneath. At that period scratch a slaveholder anywhere in Virginia and you would find a secessionist—so unerring is the instinct of self-interest.

THE LAST POUND.

Motley speaks of the Netherlands as a country "disinherited by nature of its rights," where "a race engaged for generations in stubborn conflict with the angry ele-

ments unconsciously educating itself for its greater struggle with the still more savage despotism of man." Western Virginia was "disinherited," though not by nature; but her "peasantry" had all this while been growing up to the stature when they should be prepared to demand their deserts, and that divinity that shapes the ends of the world was providing them a recompense.

Old Virginia by a well-matured, consistent and long-continued course of discrimination and wrong, had created the conditions for revolt west of the mountains. It needed only some final turn of the screw—some special provocation and outrage—to give the signal. This came in 1861 in such measure as to sweep away the last feeling of hesitation. The people who had been resisting aggression and oppression for half a century were not now to be turned over without their consent, without notice even, by a league made without authority and in secret, to the Cotton State Confederacy. There was neither time nor opportunity for protest, if this had availed. The crisis came like a thunder-clap; and with it the opportunity which had waited decades for the hour to strike.

Dodge in the opening of his "West Virginia" indulges this remark:

When statesmen degenerate into politicians and the principle of states'-rights is prostituted to the uses of treason, it is eminently fit and in accordance with the law of compensation that the madness of the present hour should open to patriotism a door of escape from inequality and organized oppression to future industrial advancement, political independence and superior civilization.

CHAPTER III.

SLAVERY THE GERM OF REBELLION—SEED, GROWTH, FLOWER.

INVENTING A REVOLUTION.

Eli Whitney's cotton-gin opened before Southern politicians a vista of wealth and empire through the production of cotton for the markets of the world. These men already had a system of political objects and ethics distinct and variant from those held in the North; and the promotion of their aims now took on the character of a moral if not political conspiracy.

SLAVERY TRANSFORMED.

For a time after the adoption of the Constitution, vague hopes of a gradual removal of slavery were entertained even in some of the Southern States. Slavery was not profitable, a fact that quickened the consciences of masters and inclined them to emancipate. This was the period when eminent Virginians were indulging their homilies over the wickedness of slavery. Virginia was

overloaded with Africans beyond all other colonies. The demand for them in the culture of tobacco had enabled the traders to dispose of their dusky cargoes there till the Old Dominion was more than filled to repletion. Outside of tobacco there was no culture that could make this raw labor profitable. When by this single crop the soil had become exhausted, the problem had increased in difficulty.

The first African slaves were brought into Virginia by a Dutch vessel and landed at Jamestown in 1619—the year before the Pilgrims landed at Plymouth. At the opening of the Revolution, it was estimated, about 300,000 slaves had been imported into the American colonies. In 1791, Virginia had about 295,000 slaves and 12,000 free negroes. In 1774 the Continental Congress resolved to stop the importation, but in the formation of the Constitution, on demand of the slave interest and in order to make it possible to secure a Constitution and Union at all, Congress was forbidden to interdict the African trade until 1808, when it was stopped. Georgia had prohibited it ten years before; and in 1820 it was by act of Congress made piracy. At the opening of the Rebellion there were nearly four million African slaves in the Southern States.

Emancipation and colonization were agitated in Virginia for many years, and some private experiments were tried by eminent men. Washington, John Randolph and his brother Richard were among those who freed their slaves by will. John Randolph had 386 at the time of his death, and he left a fund of \$30,000 to colonize them in Ohio. The colony was a failure, and the negroes scattered far and wide.

But before the sentiment in favor of emancipation in Virginia had become strong enough to prompt action by the State, the invention of the cotton-gin (in 1793) arrested the tide and turned it back with a force that grew to be irresistible. Even Jefferson could make no headway against it. The relation of slavery to the country was quickly reversed. Cotton at once took on the airs and prerogatives of royalty.

CROWNING KING COTTON.

The cotton industry in Europe which furnished a market for the American staple, and was destined to work such momentous results in this country, had its origin in the Saracen occupation of the Spanish peninsula, where cotton manufacture by the Moors began about A. D. 930, and whence it spread to Venice and into other parts of Europe. The first exportation from the United States was in 1784, in very small quantity. The obstacle to the preparation of the staple for the market was in the difficulty of removing the seed. A man could seed only one pound of cotton in a day. A cotton-gin multiplied this several hundred-fold. This multiplication of facility was responsible for tremendous consequences. The production and export rapidly increased from twenty millions in value (in 1801) to one hundred and fifty millions per year. In 1856, it was estimated the cotton produced in the United States was seven-eighths of the entire product of the world. As the business was limited only by the ability to produce and prepare the staple for the market,

the demand for labor in the cotton fields grew in almost geometrical ratio, the price of the human commodity rose rapidly, and the production was tremendously stimulated.

ROOM FOR ROYALTY.

Slave propagandism quickly took on a new character. Its partisans drew together by natural gravitation for the conservation of the enormous interests suddenly developed. The first want after this was more territory—room for expansion. “The condition of existence for a slaveocracy competing with free labor,” remarks Von Holst, “is boundless expansion.” In the “Peace Conference” of 1861, this demand found expression through a delegate from North Carolina. “You will never,” he said, “get back the seceded States without you give them some hope of the acquisition of future territory. They know that when slavery is gathered into a cul de sac and surrounded by the wall of the free States, it is destroyed. Slavery must have expansion. It must expand by the acquisition of territory which we do not own. The seceded States will never come back to a government which gives no chance for the expansion of their principal institution.” The reason for this need of continual expansion is stated in a few words by one who wrote from long experience of plantation life:

The Southerners are for the most part men whose only wealth is in their land and laborers. A large force of slaves is their most profitable investment. The planters are men of large estates but restricted means; many of them are deeply in debt and there are few who do not depend from year to year for their subsistence on the harvest of their fields and the chances of

the cotton and rice crops of each season. This makes it of vital importance to them to command an unrestricted extent of territory. The man who can move a "gang" of able-bodied negroes to a tract of virgin soil is sure of an immense return of wealth; as sure as that he who is circumscribed in this respect and limited to the cultivation of certain lands with cotton or tobacco by slaves will in the course of a few years see his estate gradually exhausted and unproductive, refusing its increase, while its black population, propagating and multiplying, will compel him eventually under penalty of starvation to make *them* his crop and substitute, as the Virginians have been constrained to do, a traffic in human cattle for the cultivation of vegetable harvests.

BARREN VICTORIES.

The acquisition of Louisiana, the annexation of Texas, the cession of large territory by Mexico, were victories for the slavery expansionists; yet the conquest of Mexico a fruitless one. The "Wilmot Proviso" offered in 1846 by a Pennsylvania Democrat, was intended to preserve from the blight of slavery territory that might be wrenched from Mexico. It provided that slavery should not be admitted to territory acquired by treaty. It was not adopted, but despite the consummation foreseen by Wilmot, the result was reached without it. The "divinity that shapes our ends" was working to defeat the schemes that lay behind the onslaught upon Mexico. California was admitted as a free State under Clay's compromise of 1850; and of the rest of the territory acquired with it, none ever became the home of the blighting institution. Slavery had a nominal existence for a time in New Mexico under a territorial statute passed in 1859. The Legislature was authorized to enact laws and report them to

Congress. If Congress should disapprove, the enactment became void. The act establishing slavery in the Territory was approved in the House but not acted on in the Senate. Slavery meanwhile was legalized there but did not take root. In 1860 there were only sixty slaves in the Territory.

Acquired though new domain might be through the machinations of the oligarchy, the control remained in Congress. As the free States grew in population and representation in Congress and the slave States lagged in the race, the possession of the Territories by their evil institution receded farther and farther from the South; and the prospect that any of them could be shaped into slave-States by action of Congress became every year more remote. Hence it was that while the South appeared to be winning at all points, Southern statesmen like Calhoun realized the actual situation. It was like one walking on a way moving in the opposing direction. His progress is overcome by the trend beneath his feet—by a force greater than his own. The civilization of the world—especially the civilization of the American Republic—was moving in a direction opposed to the progress of the Southern negro-breeding, cotton-raising enterprise, which was being swept along to the crisis its aggressions must at length provoke, to ultimate overthrow.

A BOOMERANG.

It is instructive to note how the Southern hunger for new territory in that earlier period turned later to positive loathing. It made all the difference whose ox was being gored—which system of society was to be profited by

such acquisitions. When it was found that through the greater energy of free society the national domain was being fashioned into free States, the slavery partisans took the other cue; and in their ultimatum in the spring of 1861, one of their demands was that no more territory should be acquired except with consent of four-fifths of the Senate, where they held what they supposed a secure control. Note the poignancy of this disappointment in a subsequent quotation from Calhoun demanding "equal rights in the acquired territories"—acquired on demand of the South to make new fields for slavery.

CATALINE CALHOUN.

After Calhoun had been silenced by Jackson as to nullification on the tariff issue, this irreconcilable enemy of the Federal Union sought another issue and found it in slavery, then already assuming an aggressive and formidable attitude. President Jackson himself perceived the purpose of his arch enemy; and, writing in 1833 to A. J. Crawford concerning the overthrow of nullification, he remarked that "the next pretext will be the negro or slavery question." Benton in his "Thirty Years" notes that the regular inauguration of the slavery agitation dates from 1835. Calhoun, when he went home from Washington in the spring of that year, told his friends the South could never be united against the North on the tariff question; that the sugar interest in Louisiana would keep her out; and that the basis of Southern Union must be shifted to the slavery question. The first outgrowth of this new purpose was the movement in the South which

sent the Bowies, Houston, Crockett, Fannin, Travis and other Southern leaders, into Texas to organize revolution and get possession of that vast domain; which resulted in the independence of Texas, its subsequent annexation to the United States, the resulting war with Mexico and treaty cession of territory.

FOLLOWING THE FLAG.

The acquisition of vast possessions with Texas and from Mexico was followed by an acute renewal of the agitation which had resulted in the Missouri Compromise near thirty years before—the struggle for possession of the Louisiana Purchase by slavery and the final agreement to divide it between the two opposing systems; touching which controversy Jefferson had then written from his retirement that “from the battle of Bunker Hill to the Treaty of Paris, we never had so immense a question.” In this renewed agitation, the South made another distinct advance in its tactics of aggression. Calhoun claimed, in the phrase of this latter day, that “the Constitution followed the flag;” that because the Constitution tolerated slavery in the States, the institution was carried by it likewise into the Territories. It was argued that slaves were recognized in the Constitution as property and that the people in the Territories suffered discrimination and inequality in being denied the enjoyment of that species of property. Being asked if the Union “could be saved,” Mr. Calhoun replied that it could if the North would concede “an equal right in the acquired territory” —meaning the right to establish slavery there—“do her

duty in regard to the fugitive-slave law and cease the agitation of the slave question." Already there was a large body of people in the Northern States who doubted whether the Union under such conditions were worth saving. This new doctrine was the one which had so ripened by 1861 that it was then offered on all hands as the ultimatum of the South and the alternative of war. The compromise of 1820, while not then distinctly repealed, was swept aside in the torrent of this new demand.

CROP REAPED BY ANOTHER.

The admission of California as a free State, while not a repeal of the Missouri Compromise, went over its head. Under the Mexican law, California was free territory. Under the Southern claim, the Constitution would have carried slavery into it. Under the Missouri agreement, part would have been free and part slave. The Wilmot Proviso was designed to assure its freedom, but that measure failed. The question was decided directly by Congress and the State made free by the act of admission. This was the service of one more notice on the South that though they might acquire territory they could not fasten on it the institution which enlisted all their political energies.

MISSOURI COMPACT BROKEN.

The Kansas-Nebraska act was an actual repeal of the Missouri Compromise, for it made a new and different rule for dealing with Territories. The inhabitants were left to say when they framed their organic law whether it

should be slave or free. This left the question to be fought over every time a State was to be organized. The civil war in Kansas showed how dangerous this was to the peace of the country. It was cumulative of inflammable antagonisms, and made war inevitable. This was Douglas' bid for the favor of the South in his effort to reach the Presidency. But the result in Kansas showed the South what "squatter sovereignty" would be worth to them. Douglas did not gain the favor of the South, while he lost that of the North. It showed there was no longer any middle ground; no longer any place in the controversy for mere trimmers and expediency politicians.

CLAY'S COMPROMISE.

Calhoun died in the midst of the controversy, the last of March, 1850. Clay came forward again as a pacificator, with a plan covering five conditions. One was the admission of California as a free State; another, territorial government for Utah and New Mexico; settlement of the Texas boundary; perpetuation of slavery in the District of Columbia; the enactment of the fugitive slave law. These were agreed to the following September, and the argument of force postponed another ten years. Jeff. Davis had demanded the extension of the Missouri Compromise line through to the Pacific, giving the territory south of it to slavery. Clay said no earthly power could induce him to carry slavery into any new territory.

DRED SCOTT DICTUM.

Taney's ruling six years later in the Dred Scott case was that the Constitution followed the flag and, *ex proprio vigore*, carried slavery with it. He gave to the Constitution the interpretation demanded by the South, and made it even broader than Calhoun's most audacious thought had ventured to formulate. The pronouncement was in effect that the negro was property and could not be a citizen; that being property, he could be carried and must be protected wherever other property might be; that the Missouri Compromise, forbidding slavery in territory north of a given line, was unconstitutional and that Congress had no right to prohibit slavery in any Territory; the effect of this being also that the Jeffersonian prohibition for the Northwest was void.

This would have been a Waterloo for free institutions in the United States if Taney's dictum could have been given the force of law; but in popular governments there is a natural law founded on justice and common sense which all the ingenuity of lawyers and casuists cannot pervert. The people in the Northern States were not ready to let the great republican experiment on this continent be defeated by a political extra-judicial dictum, even though it came from the highest tribunal. Public opinion in the matter of slavery aggression had reached the point where this decision became mere *brutem fulmen*. It only hastened the impending crisis by making clearer the purpose of the South.

RESTORATION OF MISSOURI COMPROMISE.

The violence done by this decision was corrected, so far as it could be, by act of Congress approved by President Lincoln, July 19, 1862, restoring the Missouri Compromise, entitled "An Act to secure Freedom to all persons within the Territories of the United States." This was the first step towards the nationalization of freedom. Others were: the passage of an act three days before this abolishing slavery in the District of Columbia with compensation to owners; the act of July 17, 1862, freeing slaves of rebels coming into the army lines; and the sweeping emancipation declared by the President September 23, 1862, taking effect January 1, 1863. The final extinguisher to Calhounism and Taneyism was the XIVth Amendment, declaring that a negro is a citizen, not property.

WEBSTER'S SLEDGE HAMMER.

Reply to Calhoun's demand for the constitutional extension of slavery into the Territories, *ex proprio vigore*, was made by Mr. Webster, who reminded the country that the Constitution was made for the States, not the Territories; that it was not operative even in the States without legislation by Congress to enforce it; that the Territories were by the terms of the Constitution absolutely subject to the control of Congress. It was in the exercise of this control, let us note, up to that time unquestioned, that Congress had, on the motion of such Virginians as Thomas Jefferson and James Madison, long before dedicated the Northwest Territory to free institutions, that condition being held normal and national, while slavery was recognized

as abnormal and local, existing nowhere except by force of positive law—nowhere by inference or presumption; that, as one writer has stated it, “the Union should be the nursery of freedom and not a breeding-place for slavery.”

AGITATION TWO-EDGED.

Calhoun had argued that the agitation against slavery was growing more threatening and the influence of the institution relatively weakening, and that if these tendencies were not checked, the South would be driven to choose between abolition and secession. He forgot it was he who had started this agitation in 1835, in behalf of slavery, as an entering wedge towards disunion. When the wind veered and the agitation began to blow from the opposite quarter, it became “displeasing to South Carolina,” as he had said the tariff was in 1832. His endeavor to put slavery in the position of the party aggrieved was ingenious; and his political executors in 1861 were careful to follow this lead when, through the Peace Conference and the Virginia convention, they put before the country their presentment of the case of slavery: how it was being cruelly confined to a limited domain and prevented from spreading its benign presence over the Territories and in other respects from becoming national!

NO INTERFERENCE.

The pretense that the North wished to interfere with any existing right of slavery was baseless. The firmest foe it had was Sumner, and he in 1852 said: “Slavery

where we are parties to it—where we are responsible for it—everywhere within our jurisdiction—must be opposed by every instrument of the political power. It is a mistake to charge that we seek to interfere through Congress with slavery in the States. Our political aims as well as our political duties are co-extensive only with our political responsibilities.”

A LONG-DISTANCE VIEW OF SLAVERY.

A view of the pretensions of slavery different from the one held by its partisans and apologists in this country was expressed by the London Times in January, 1861:

For the last ten or twelve years Slavery has altered her tactics, and from a defensive has become an aggressive power. Every compromise which the moderation of former times had erected to stem the course of this monster evil has been swept away, and that not by the encroachment of the North but by the aggressive ambition of the South. With a majority in Congress and in the Supreme Court of the United States, the advocates of slavery have entered upon a career the object of which would seem to be to make their favorite institution coterminous with the limits of the Republic. With a majority in both houses of Congress and in the Supreme Court, the South cannot submit to a President who is not their devoted servant. Unless every power in the Constitution is to be strained in order to permit the progress of slavery, they will not remain in the Union.

This then is the result of the history of slavery. It began as a tolerated, it ends as an aggressive institution; and if it now threatens to dissolve the Union, it is not because it has anything to fear for that which it possesses already but because it has received a check to its hopes of future acquisition.

WAITING FOR THE BORDER STATES.

The Cotton-State politicians were themselves ready to try conclusions with the sword; but to make their fight successful they needed the co-operation of the "Border States." It was in deference to these that the conditions on which they would submit to remain in the Union under a Republican President were put forth; and Virginia, as the most potent of the border States, was made the medium for giving the ultimatum to the country. It was she who called the Peace Conference; and that failing, supplemented its demands by the same conditions embodied in the manifesto of her Convention. Virginia was, indeed, the pivotal State. It was the message Richmond sent to Charleston by Pryor which fired that first gun at Sumter which woke reverberations around the world—and it was by a Virginia hand the match to that first gun was applied.

THE PEACE CONFERENCE.

The "Peace Conference" which met in Washington, February 4, 1861, was the result of resolutions passed by the Virginia Assembly, January 19th. The Virginia members of the Conference were: Ex-President John Tyler, William C. Rives, John W. Brockenbrough, George W. Summers and James A. Seddon. Summers was the only one from the western part of the State. The other States which sent delegations were: Rhode Island, New Jersey, Delaware, Maryland, New Hampshire, Vermont, Connecticut, Pennsylvania, Ohio, North Carolina, Indiana, Illinois, Kentucky, Tennessee, Massachusetts, Missouri, New York, Maine, Iowa and Kansas. The Virginia delegates urged the proposition known as the

"Crittenden Resolutions," with some modifications. This so-called "Crittenden Compromise" was industriously pushed in the border States as an auxiliary of the "no coercion" idea. Concerning the real authorship of these resolutions and hence their real significance, a correspondent of the New York Herald, writing from Alexandria, Kentucky, at that period, said: "I state now to you from the best personal authority what is generally known here, that the Crittenden amendment, so called, was drawn by Mr. Breckenridge and M. C. Johnson, Esq., of this city, prior to the departure of the former for Washington, and by him taken on and entrusted to Mr. Crittenden. This you may rely on as authentic beyond a question."

The entire programme had been laid out far in advance. The labors of the Conference—heralded to the country for weeks by daily telegrams—ended in a foregone demand for every point in the slavery brief. The purpose of the Conference, as set forth in the Virginia call, was "to afford the slave-holding States adequate guarantees for the security of their rights." The Commissioners agreed in demanding that the territories South of 36:30 should be devoted absolutely to slavery; never any interference there against it by either territorial or Congressional legislation. It was to be even forbidden to the United States to acquire any more territory which could by possibility grow into free States—that is, any treaty for it must be ratified by four-fifths of all the members of the Senate. Then it was to be provided that neither the Constitution nor any amendment to it should ever be construed to give Congress power to regulate, control or abolish slavery within the District of Columbia without

consent of Maryland and Virginia, without consent of the owners, nor without compensation to them. The District was to be made definitely slave territory. To still further emphasize the national character to be given to the institution, it was provided that there should never be any prohibition of slavery in places in slave States belonging to the United States, such as forts, arsenals or other national property. The execution of the fugitive-slave law was to be made more rigorous; and where the marshals in the free States might be unable to execute it by reason of the popular hostility, compensation for slaves lost was to be made by the United States.

THE VIRGINIA FORESHADOWING.

There is a striking likeness between these demands and those foreshadowed by Governor Letcher, of Virginia, in his message to the Assembly, by whom the Conference was called, and likewise in the propositions brought out in the Virginia convention by its committee on Federal relations; which were debated at length for the double purpose of inoculating the Convention and the border States with their virus and of occupying the time while the conspiracy was getting ready for action. The committee named the additional condition that no person of the African race should ever be a voter or office-holder.

PLAY AND PROMPTER.

It is apparent this "peace" conference was only playing what would have been a farce if it had not had such deadly tragedy behind it. It was but the spokesman of a prompter behind the scenes giving public expression to demands long before carefully formulated. If the shade

of Calhoun had inspired these, he could not have asked for more or worded them with more devilish plausibility. The demand was, in a word, to make slavery national and freedom local and subordinate. The government was to be the mere creature and convenience of the malign institution, with free society under the ban, exposed to continual punishment, humiliation and shame; and every day was to enact, under the American flag, the "tragedy," as Emerson calls it, of the "cheapness of man."

NORTH IS RESOLUTE.

The time had been when the people of the North, for the sake of peace, from considerations of business, were willing to accept large doses of abasement before the menace of the truculent Southerners. That was past. They recalled the compromises of ten and thirty years before ruthlessly broken in the interest of slavery. They would humiliate themselves no more. They looked the danger calmly in the face and with bodeful quiet but rising indignation waited for the overt act. When Sumner was badgered in the Senate in 1854 for his frank defiance of the fugitive-slave law, his reply was, in the words of the Prophet: "Is thy servant a dog, that he should do this thing?" Such was now the unuttered answer of the people in the free States to the ultimatum put forward by the slavery conspirators.

PLAYING TO BORDER-STATE GALLERIES.

Yet all this tragic farce over "peace" propositions was but a play to the galleries of the border States. The conspirators knew how their demands would be met in the

free States, and they had calculated that the rejection of their terms would throw Virginia, and they believed other of the border States, into the arms of their rebellion; when they would need only to raise the flag of an independent South, whose cotton scepter should bring the whole commercial world, including hated New England, to their feet.

NOTHING BUT SEPARATION.

Judge Summers, one of the most eminent of the Peace Commissioners, declared in his speech at Wheeling, in 1863, that on the part of the Southern men in that Commission separation was a foregone conclusion. "I saw enough," he said, "during the brief stay in Washington, while the Peace Conference was in session, to convince me that those Southern leaders would be satisfied with no amendment to the Constitution, no guaranty that could be given. Some of them, indeed, said before the war commenced—before the secession of Virginia: 'You may give me a sheet of white paper and let me write it out myself, and I will not agree to it.' Nothing but separation would satisfy them."

Edward McPherson, in the preface of his *Political History of the Rebellion*, remarks: "It is difficult for a candid person to escape the conviction that adjustment was hopeless—revolution being the predetermined purpose of the reckless men who had obtained control of the State machinery of most of the slave-holding States."

DISUNION PERDUE.

A definite purpose in the South to separate from the North had long been entertained by leading men. The

American system, as called by Clay, for the protection of domestic industries against foreign, was hateful to the South, whose dependence on coarse agricultural staples, employing only the rudest labor, did not require and was supposed to be prejudiced by such a system. The conception that the South might become the home of great manufacturing industries had not entered the thought of Southern statesmanship, which was blinded to everything greater or better by its devotion to the slave system of labor applied to the production of staples from the soil.

The first threat of disunion ever made was by Pierce Butler, of South Carolina, in the first Congress, in 1789. He declared it was "as sure as God is in the firmament." Richard Henry Lee, grandfather of Gen. Robert E. Lee, wrote in 1790: "When we (the South) attain our natural degree of population, I flatter myself that we shall have the power to do ourselves justice with dissolving the bond which binds us together." Hon. Nathan Appleton, member of Congress in 1832-33, wrote afterwards that when in Congress he made up his mind "that Calhoun, Hayne, McDuffie and others were desirous of a separation of the slave States into a separate confederacy as more favorable to the security of slave property."

A STORY BY FRANK THOMAS.

Some South Carolinians attempted a demonstration at Washington about 1835. Ex-Governor Francis Thomas, of Maryland, told about it in a speech at Baltimore, in October, 1861. The Southern Congressmen held a meeting one morning in a committee-room after the hour for assembling; and missing them from their seats and being

asked why he was not in attendance on the "Southern caucus," Mr. Thomas, who had not been invited, went to the committee-room and "found that little cock-sparrow, Pickens, of South Carolina, addressing the meeting and strutting about like a rooster around a barn-yard, discussing the following resolution :

Resolved, That no member of Congress representing a Southern constituency shall again take his seat until a resolution is passed satisfactory to the South on the subject of slavery.

"I determined at once," said Thomas, "to kill the treasonable plot, hatched by John C. Calhoun, the Cataline of America, by asking questions." He obtained permission to take part in the discussion, and asked what they proposed to do next, with a lot of other inconvenient questions which none could answer. He finally moved an adjournment of the caucus sine die, and being seconded by Craig, of Virginia, the motion carried. The caucus had been proposed by Rhett, of South Carolina. An anti-slavery speech by Mr. Slade, of Vermont, had been the immediate provocative.

About 1850 a paper called "The Southern Press" was started in Washington, to present the advantages of Disunion and advocate the organization of a Southern Confederacy to be called the "United States of the South."

VIRGINIA TESTIMONY.

The writer of the "Sketch," in Vol. I, Hagans' West Va. Reports, intimates that the Macchiavellian hand was at work in Virginia as far back as the shaping of the Constitution of 1850-51; and the feature of that instrument

permitting conventions to be called without authority of a popular vote was the work of men who had sinister purposes remotely in view—a part of “that vast combination,” the writer calls it, “of well-laid plans which had been maturing for thirty years.”

Samuel McDowell Moore, a Union member of the Richmond Convention of 1861 from Rockbridge County, made a speech in the Convention in which he produced the documents of the fire-eaters for the twenty years preceding showing that the disunion movement had been secretly cherished and fulminated all that time and even longer. Mr. Moore had been in the Convention of 1829-30. He spoke by the card, and his remarks produced intense exasperation among the conspirators. The mob in the streets made all preparations to burn him in effigy, and only by a trick were prevented. Sherrard Clemens was to have a similar compliment at the same time; but O. Jennings Wise, who had crippled Clemens in a duel, felt that in view of his own avowed part with the conspirators his honor was involved in preventing this insult to his victim. He made a speech to the crowd to dissuade them, and while he held their attention the effigies were spirited away.

William T. Joynes, a native Virginian resident at Petersburg, in testifying before the Joint Committee on Reconstruction, in February, 1866, said:

Originally the number of secessionists in the State was very small. The first time I ever heard any man say that he desired the dissolution of the Union was during the session of the Democratic convention at Petersburg which nominated Mr. Letcher in 1859. I confess I was very much shocked at it, and I said to the gentleman: “Is it possible?” And he said, with
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some vehemence "Yes," that he wished "the Union might go to flinders before to-morrow morning." The next time, so far as I recollect, that I heard the declaration was from old Mr. Ruffin, which was some time in 1860. He killed himself after the surrender of General Lee. Said I: "Mr. Ruffin, are you in the habit of expressing opinions of that kind?" "I have been in that habit," said he. "for ten years."

It will be recalled that it was Mr. Ruffin, old and white-haired, who touched the match to the opening gun fired at Sumter in the dawn of that fateful April 12, 1861.

MENE TEKEL UPHARSIN.

But this definite purpose to separate from the North was always in abeyance while the South was in control of the national administration, and so long as they felt confident of their ability to maintain their domination. They could always depend on a large party in the North who sympathized with their antagonism to a strong centralized Union; and they could count on the timidity of the purely commercial interests of that section to defer to any blustering demands they might make to maintain control. But at last, in spite of these elements of weakness in the North—in spite of broken compromises, subservient national legislation and judicial prostitution—the Southern politicians between 1856 and 1860 began to discern faint outlines of the hand-writing on the wall. As the anti-slavery feeling in the North—intensified, strengthened, consolidated by the events beginning about 1845—manifested its growing power, it began to clearly appear that with Buchanan's term would end the ascendancy of the slavery régime at Washington; that the Democratic party was

about to lose its supremacy and the South its dominion over the Republic. That wing of the Democratic party in the South which had always dictated its attitude towards slavery, which had long been prepared for a rupture the instant its grip on the Government was broken, helped on this contingency by dividing the counsels of the party in the convention at Charleston. Thus when the three parties got their tickets into the field in the summer of 1860, the inevitable result was revealed as by a flash. Then, definitely and at last, the conspirators in the Cotton States threw off the mask they had so loosely worn and declared their defiance of the North, their contempt for the Union, their purpose not to abide the result of the election if it should be adverse to their candidate. "In a day—in an hour almost—" wrote Frances Ann Kemble, an English-woman, in London, in January, 1863, "those stood face to face as mortal enemies who were fellow citizens of the same country, subjects of the same government, children of the same soil; and the North, incredulous and amazed, found itself suddenly summoned to retrieve its lost power and influence, to assert the dignity of the insulted Union against the rebellious attempt of the South to overthrow it."

SOUTHERN POLITICAL ARCHITECTURE.

All plans for disunion and the setting up of a Southern government looked to a purely aristocratic structure on a slave foundation. The Southern scheme had first been by spreading their institution all over the public domain and compelling government protection in the free States, to give slavery a national standing; a purpose

clearly outlined by Calhoun and supported by the Dred Scott obiter dictum. All these plans were based on the "great truth" afterwards discovered by Alexander H. Stephens, that "the negro is not equal to the white man and that slavery is his natural and normal condition." Mr. Chestnut, of South Carolina, had some years before described the negro as the "mud-sill" of Southern society. He resolved the economic problem into the very simple proposition that capital should own labor; and on this mud-sill of subject-labor was to be reared the graceful structure of a Southern society and government. By the time the conspiracy had culminated, the application of these theories to the North had been found impracticable, and Southern statesmen were looking to the establishment of a separate slave republic in the South. The failure of Southern plans to possess all the territories, the check to the formation of new slave States, due to the wonderful growth and energy of the North, spreading out and possessing the public domain, embittered the Southern conspirators and gave edge to their hatred of the free North and to their schemes for separation and retaliation.

The Virginia convention of 1861 had a committee on "constitutional reforms," with Alexander H. H. Stuart, as chairman. Through this committee an effort was made to eliminate from the State constitution such democratic features as free suffrage. Even the mixed basis had not sufficed to keep the vulgar non-slaveholding whites from acquiring an unpleasant degree of power and influence. Something further was needed. Some of the committee's conclusions were stated in a report made by Mr. Stuart, from which is this extract:

In the opinion of your committee, no system of government can afford permanent and effectual security to life, liberty and property which rests on the basis of unlimited suffrage. In the South, all who are in a condition of servitude are necessarily excluded from the exercise of political privileges, and the power of the country is wielded by the more intelligent classes, who have a permanent interest in the well-being of society. Slavery also constitutes an effectual barrier against that tendency to antagonism between labor and capital which exists in the North. There capital is the casual employer of labor and interested in diminishing its wages. Here capital is the owner of labor and naturally seeks to enhance its rewards. [!]

Concerning this proposed restriction on suffrage, *De Bow's Review* for November, 1861, took up the question in an elaborate article on "The Perils of Peace." The editor said:

The obvious danger of an immense Yankee immigration which will paralyze the Border States at the ballot-box unless such restrictions are placed upon the right of suffrage as will prevent them from ever voting, are painted in letters of light. We have often referred to this danger as one which if we do not provide against it will render all the blood and treasure expended in this war entirely profitless.

The Richmond Whig, early in 1863, referred to the "Yankees" as being "in open and flagrant insurrection against their natural lords and masters, the gentlemen of the South. When they are again reduced to subjection," observed the Whig, "we must take care to put such trammels about them that they will never have an opportunity to play these tricks again."

Robert Barnwell Rhett said at Charleston:

It is no experiment that free government existed in slave-holding countries. The republics of Rome and Greece were built on domestic slavery. But it is an experiment to maintain free government on universal suffrage.

De Bow's, in October, declared that the maxims of "the greatest good to the greatest number" and "the majority shall rule" are "pestilent and pernicious dogmas." "The institution of a Senate and hereditary executive," it said, "is the political form best suited to the genius and most expressive of the ideas of Southern civilization."

ALL FOR SLAVERY.

Some of the old secessionists at this late day would like to make the world believe their revolt was solely in vindication of the State sovereignty dogma—dead as that dogma now confessedly is—not in behalf of slavery. This might impose on some of the later generation not familiar personally with the circumstances attendant upon the opening and prosecution of the rebellion or the conditions in the slave States which led up to it; but the claim is contradicted by all the facts. Without going back of 1861, it is sufficient to note that every demand in behalf of the South bore the same burden of greater safe-guards for slavery where it existed and the extension of its prerogative into the territories and free States. This pretense insults the public intelligence. The truth was frankly confessed in the Richmond convention by Haymond, of Marion, in his two days' speech on taxation. In answer to the question, as he put it, What has involved Virginia in the position to make it necessary for her to consider whether she shall longer remain in the Union? Mr. Haymond said: "It is not with a view of prejudicing the institution of slavery—for I am a slave-holder myself to a limited extent—that I answer that *all has grown out of the*

institution of slavery. It is alone the dangers which threaten that institution that has made it necessary for Virginia citizens to come together and consider solemnly whether the protection and safety of her interests as connected with that institution do not make it necessary for her to destroy the Union."

In the South Carolina convention, in December, 1860; declaring the "justifying causes of secession," Lawrence M. Keitt said he was "willing to rest the issue of disunion upon the question of slavery. It is," he said, "the great central point from which we are now proceeding."

It is slavery that has made the Southerners rebels to their government, traitors to their country and the originators of the bloodiest civil war that ever disgraced humanity and civilization.

So in 1863 wrote Frances Ann Kemble to a friend in England. She was the wife of a Georgia planter; had lived on his rice and cotton plantations at the mouth of the Altamaha, and had written a journal of her experiences there.

Mr. Preston, of South Carolina, one of the commissioners to the Virginia Convention, declared that "Southern civilization could not exist without African slavery." Leonard W. Spratt, of the same State, wrote that the South was "now in the formation of a slave republic;" and he advised the South to avow and affirm slavery "not as an existing fact, but as a living principle of social order, and assert its right not to toleration only, but to political recognition among the nations of the earth. If, in short," he adds, "you shall own slavery as the source of your

authority and act for it, and erect, as you are commissioned to erect, not only a Southern but a slave republic, the work will be accomplished."

Alexander H. Stephens, Vice-President of the Confederate States, in an address at Savannah, March 21, 1861, in explanation and vindication of the Confederate constitution, said that instrument had put at rest forever the question as to the "proper status of the negro in our form of civilization. This was the immediate cause of the late rupture. Jefferson in his forecast had anticipated this as the rock upon which the old Union would split. He was right." Mr. Stephens also said: "The corner-stone of the Confederate government rests upon the great truth that the negro is not equal to the white man; that slavery is his natural and normal condition. This stone, which was rejected by the first builders, is become the chief stone of the corner in our edifice."

The Richmond Convention's committee on Federal relations, in their report of March 9th, took substantially the same ground. Every proposition submitted by the Peace Conference, in Crittenden's resolutions, by the Congressional caucus—every proposition submitted by anybody anywhere at this period as a condition on which the South would submit to the election of Lincoln and remain in the Union—was a recognition of the dogma respecting the negro thus bluntly stated by Mr. Stephens, and looked to the aggrandizement and supremacy of slavery. Yet John Goode, a relict of the Virginia Convention of 1861, and president of another Virginia Convention this year of grace, 1901, tried in 1900 to make the world believe that

the rebellion was not undertaken by Virginia in behalf of slavery—only in vindication of the abstraction of “State sovereignty.”

THE IRREPRESSIBLE CONFLICT.

The *London Times* article from which we have previously quoted, went to the heart of the controversy over which the South and North had at last been brought face to face—the irrepressible conflict between two systems of civilization under one government. The *Times* saw the question as it appeared to the whole world outside of the South:

Between the North and the South, there is this moment raging a controversy which goes as deep as any controversy can into the elementary principles of human nature and the sympathies and antipathies which in so many men supply the place of reason and reflection. The North is for freedom, the South for slavery. The North is for freedom of discussion; the South represses freedom of discussion with the tar-brush and the pine faggot. Slavery used to be treated as a thoroughly exceptional institution—as the evil legacy of evil times; as a disgrace to a Constitution founded on the natural freedom and independence of mankind. But the United States became possessed of Louisiana and Florida; they have conquered Texas; they have made Arkansas and Missouri into States; and these successive acquisitions have altered entirely the view with which slavery is regarded. Perhaps as much as anything, from the long license enjoyed by the editors of the South of writing what they pleased in favor of slavery with the absolute certainty that no one would be found bold enough to write anything on the other side and thus make himself a mark for popular vengeance, the subject has come to be written on in a tone of ferocious and singular extravagance which to a European eye is absolutely appalling. The South has become enamored of her shame. Free labor is denounced as degrading and disgraceful;

the honest triumphs of the poor man who works his way to independence are treated with scorn and contempt. It is asserted that what we are in the habit of regarding as the honorable pursuits of industry incapacitate a nation for civilization and refinement, and that no institutions can be really free and democratic which do not rest, like those of Athens and Rome, on a broad substratum of slavery.

DICKENS' PORTRAYAL OF SLAVERY.

Slavery was one of the things Charles Dickens came to America to study in 1842; and after examining the institution at short range, he told the world in *American Notes* what he thought of it. He divided owners into three classes. Here is his estimate of the second:

The second consists of those owners, breeders, users, buyers and sellers who will *until the bloody chapter has a bloody end* breed, use, buy and sell them at all hazards; who doggedly deny the horrors of the system in the teeth of such a mass of evidence as was never brought to bear on any other subject and to which the experience of every day contributes its immense amount; who would at this or any other moment *gladly involve America in a war, civil or foreign*, provided that it had for its sole end and object the assertion of their right to perpetuate slavery and to whip and work and torture slaves, unquestioned by any human authority and unassailed by any human power; who when they speak of freedom mean the freedom to oppress their kind and to be savage, merciless and cruel; and of whom every man on his own account in Republican America is a more exacting and a sterner and less responsible despot than a Caliph Haroun al Raschid in his angry robe of scarlet.

EXUËNT DON QUIXOTE.

This is the way American slavery looked to the outside world. Not so to those who were conspiring to promote and perpetuate it. They were looking to Utopia; and

through the glow of an imagination inflamed by a century of irresponsible rule, they saw themselves, like the knights of the feudal age, standing on the neck of a prostrate race, and rising on the view they beheld the splendor of a new and unexampled chivalry; which, disdaining the sordid considerations attendant on the details of trade and industry—the vulgar perplexities that grow out of the relations of employer and employed in free society, where labor is paid for—could devote its refined attention to the exercise of political direction, on the one hand, and to polite life and social felicity, on the other. But the award of the sword, to which they appealed, was against these budding aristocrats. From these dreams of social and political efflorescence, invested by their fancy with amaranthine bloom and immortal fragrance, how rude the awakening! Where now are these heralds of the new order of a slave-founded chivalry in America? How is it with them now, only forty years after they were about to enter upon the rearrangement of social and economic order? In the picturesque words of Carlyle, applied to greater figures in history, they are “gone into the night. They are all gone; sunk—down, down, with the tumult they made; and the whirling and the trampling of ever new generations passes over them; and they hear it not any more forever.”

CHAPTER IV.

THE ROPE OF SAND—THE BAND OF STEEL.

LEGAL VS. REVOLUTIONARY.

Let us consider briefly the mode of separation which had already been adopted by the Gulf States and was now being pressed upon Virginia. This whole Southern revolt must be justified, if at all, on one of two theories. It was the assertion of either a legal right or the right of revolution. Legal rights are to be determined by the written law. The right of revolution for cause is never questioned; but without good cause it may be a crime of stupendous proportions. The claim that secession was a legal right must be decided by an appeal to the national Constitution.

OLDER THAN THE CONSTITUTION.

The theory of secession and nullification—two forms of the same thing, the assertion of State sovereignty as against national sovereignty—is as old as the Constitution itself; older, for it raised its head in the original Confederation. The surrender of assumed sovereignty by the States—a thing none of them ever really possessed, for they had surrendered the claim to it even under the Articles—was fought bitterly by some of the States in the

discussions on the Constitution; and though consolidation triumphed and the claim for State independence in the exercise of national functions was absolutely surrendered in the Constitution, the dogma, as an abstraction, survived; and after the enactment of the "alien and sedition" laws, raised its head again in the Virginia and Kentucky resolutions of 1798 and 1799.

VIRGINIA NULLIFIERS.

The Virginia resolves were drawn by Madison, who in the Convention had been the foremost and ablest advocate of nationality, but who now declared the right of the States to "interpose" against the encroachments of the central government (of which they were to be the judge), while the Kentucky resolves, drawn by Jefferson, used the word "nullification" as the remedy. So jealous were the States of their prerogatives—so afraid of centralization—that it was only as a choice of supposed evils that the Constitution was at last agreed to. Von Holst says it was "extorted from the crowning necessity of a reluctant people" so jealous for their liberties that they were on the brink of ruin for lack of unity and mutual concession. Webster said in the Senate that "the Union had its origin in the necessities of disordered finance, prostrate commerce and ruined credit."

CALHOUN IMPROVES ON THEM.

Though this dogma dated from so early a period, it had not before been so exhaustively formulated as by Calhoun about 1832. He took as his starting-point the assumption

that so far from the Constitution being the work of the American people collectively, no such political body had ever existed; that the people of the United States had been federated not as individual citizens, but as political municipalities—that is to say, States; that the articles of ratification themselves declared the Constitution to be binding between the States ratifying. From the use of this phrase he argued that the Constitution was the work of the States and that there was no direct connection between the citizen and the national government; that it was only through ratification by the State that the individual became a citizen of the United States. Tyler put the creed even more acutely by saying he “owed obedience to the laws of the Union because he owed allegiance to Virginia.” This was the precise ground on which the secession doctrinaires stood in 1861. They claimed they were citizens of the United States only because the State had made them so, and that the State could unmake this citizenship at pleasure. This would have left the Union but a rope of sand; but the fatal weakness of Calhoun’s theory was that it was founded on an untruth. The ratification was not by States as municipalities nor by bodies representing them. The ratifying conventions expressly chosen for the purpose represented the people in each State, in whose name the Constitution had been drawn. The people could not ratify in the mass. They had in the necessary formalities to utilize local bodies, and the agency of conventions had been prescribed. But all the conventions in their act of ratification recognized the popular character of the act. “We, the people of Virginia,” said

the Convention of 1788. The Virginia secession Convention when it undertook, in April, 1861, to repeal that ratification, employed the same language.

THE DOGMA IN 1861.

The theory of secession was stated with precision in the platform upon which Dr. Zadok Kidwell was a candidate for Congress in the Fairmont district, in the Spring of 1861 (till called off by the Richmond Convention). Following is the declaration:

Resolved, That we owe obedience to the Federal Government only because Virginia has commanded us to obey its laws; and, therefore, whenever Virginia shall release us from this obligation, we will acknowledge the binding authority of that Government no longer.

Resolved, That our allegiance is due to the sovereign State of Virginia; and we maintain that Virginia, speaking by her people in sovereign convention assembled, has the right to command the services of her citizens as against any other State, power, government or authority whatever.

UNDER THE ARTICLES.

If there is any ground for these declarations it must be found in the United States Constitution. Let us inquire, first, what excuse there would be for them under the Articles of Confederation which the Constitution superseded. The Articles created a "Confederacy" styled "The United States of America." Article II provided that each State "retains its sovereignty, freedom and independence, and every power, jurisdiction and right not expressly delegated to the United States in Congress assembled." But the

sovereignty and independence essential to such an act as secession were expressly delegated to the United States. The power to send or receive foreign ambassadors and to enter into any conference, agreement or treaty with any foreign power, was expressly forbidden to the States. They were forbidden to make any "treaty, confederation or alliance whatever" between themselves; forbidden to lay duties or imposts in contravention of treaties; forbidden to keep vessels of war or military forces in time of peace or to engage in war without the consent of the United States, or to grant commissions to ships of war or issue letters of marque and reprisal; and the United States was made the final arbiter in any dispute of whatever nature between States. In a word, none of the attributes of independence or sovereignty were "retained" by the States, the same being expressly delegated to the United States in Congress assembled. While this is true, these powers could not be exercised by the Congress without the assent of nine out of the thirteen States; and such was the jealousy of the States that this bar was continually interposed to prevent the most necessary action by Congress in matters of finance and foreign relations. It was this kind of double check which put the individual States and the United States at such cross purposes as to make an efficient government for the Confederacy impossible. It was in this condition of affairs—"the necessities of disordered finance, prostrate commerce and ruined credit," as Mr. Webster stated it—that the States turned to a new form of government and found it under the Constitution.

Under Article XIII, every State had been required to "abide by the determination of the United States in

Congress assembled on all questions which by this Confederacy are submitted to them;" and the Articles were to be "inviolably observed by every State, *and the Union shall be perpetual;*" nor could any alteration in the Articles be made unless agreed to in Congress and "afterwards confirmed by the legislature of every State."

Can anybody discover in all this standing room for secession?

UNDER THE CONSTITUTION.

What was true under the Articles would be truer under the Constitution, if there were degrees in the absolute; for the Constitution was designed to make a still firmer Union. It is declared in the Constitution, Art. 6, that "This Constitution and the laws made in pursuance thereof, and all treaties made and which shall be made under authority of the United States, shall be the supreme law of the land, and the judges of every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." Nothing could be more express or sweeping. The firm sovereign authority thus established is not weakened by amendments IX, X and XI. The first provides that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people;" the Xth that "the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people;" the XIth that the judicial power of the United States shall not extend

to any suit in law or equity brought against a State by a citizen of another State, or a citizen or subject of any foreign State; in short, that a State cannot be sued. Whatever politicians may have sought to accomplish at the time by IX and X, the effect of these amendments must be limited to subordinate matters such as are left to the control of each State within its own limits. Nothing in either can touch the supremacy of the United States in matters national, "prohibited to the States." The XIth amendment, which seems to have given Mr. Carlile some trouble in the Richmond Convention, is simply a specific limitation on one branch of the Government—and not one that exercises the political, executive, treaty-making or war-making power.

The Constitution, like the Articles of Confederation, makes no provision for its own destruction. The Union under each was to be perpetual. Mr. Madison said in the Convention that the Union could not be adopted by any State temporarily. It was to be "adopted, if at all, in toto and forever." There is nothing to imply that it might be broken except by unanimous consent. The method of amendment is this: Congress, by two-thirds majority in each House, may propose alterations, or may call a convention to propose them on application of the legislatures of two-thirds of the States. But in either case, such alterations require the assent of three-fourths of the States, through legislatures or conventions as Congress may prescribe. When mere amendments are rendered so difficult, it is not to be assumed that any State may destroy the whole compact at pleasure?

NOT EVEN STANDING ROOM.

The claim for the right of secession finds no place in either the present organic law of the Union nor the former one. It never had an existence under any American system; and it would be no system under which it had an existence. Gen. James S. Wheat, in a speech in front of the old court house at Wheeling, one afternoon in the Summer of 1861, put the question tersely and well:

The government of the United States was created by the people of the United States. The people of the United States alone can abrogate that government; and any attempt in the name of a State, or under color of its sovereignty, is nothing more nor less than a rebellion against the authority of the government of the Union: unless it should be successful, and then it becomes revolution.

THE LOGIC OF WEBSTER.

In Webster's discussion of this question, he, in his profound way, went to the root of it. His argument embodied the idea that the State and the supremacy of law were conceptions involving each other; that there could be no State which was not supreme over all its parts; that these parts existed for their peculiar, subordinate and necessary functions additional to and distinct from the central supreme power without any right in conflict with it. A constitution which in its terms negatived the idea of a supreme authority was no constitution and created no State—defeated its own purpose. A government must be supreme over all its parts or it is no government. The

right of nullification and the conception of the State exclude each other. Both cannot exist in the same instrument. The Constitution of the United States does not provide for events which must be preceded by its own destruction. "The Constitution was received as a whole for the whole country. If it cannot stand all together, it cannot stand in parts; and if the laws cannot be executed everywhere, they cannot long be executed anywhere."

JACKSON'S DEMONSTRATION.

Perhaps no stronger statement refuting the whole theory of secession has ever been made, or can be made, than that contained in President Jackson's proclamation issued for the benefit of South Carolina:

The ordinance adopted by the South Carolina Convention is not founded in the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any State may not only declare the acts of Congress void but paralyze their execution. . . . The Constitution of the United States forms a government, not a league. It is a government in which all the people are represented, which operates directly on the people individually, not upon the States. They retained all the power they did not grant, but each State having expressly parted with so many powers as to constitute jointly with the other States a single nation, cannot from that period possess any right to secede, because such secession does not break a league but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact but it is an offense against the whole Union. To say that any State may at pleasure secede from the Union is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connection with other parts to their injury or ruin without committing any

offense. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is to confound the meaning of terms and can only be done through gross error or to deceive those who are willing to assert a right but would pause before they made a revolution or incurred the penalty consequent on a failure.

NATIONAL UNITY.

Bismarck said in 1872 that "Sovereignty can only be a unit—the sovereignty of law." Dr. Draper in his "Civil Policy," referring to this idea of national unity, speaks of it as "that inappreciable privilege that has fallen to the lot of America;" and he says it was to sustain this bond of Union on which depended the development of national power that the Civil War was prosecuted by the North with such inflexible resolution. "Was ever such a thing known in the world," he asks, "as the spending of eight hundred million dollars a year for four consecutive years to sustain an idea?"

If the claim of a right to secede from the American Union were unassailable instead of preposterous, there would still remain the greater and supreme law declared in the Convention by Mr. Madison: "The transcendent law of nature and nature's God which declares that the safety and happiness of society are the objects at which all political institutions aim and to which all such institutions must be sacrificed" if they fail to attain this end. If a theory of government which makes unity, safety and the highest good of the greatest number impossible be ever so pleasing as a barren abstraction, it ought to be discarded

for one that better secures "the safety and happiness of society" even though it be not so attractive to the fancy of the doctrinaire.

It was considerations like these that drove the people of the United States, after their failure to establish an impossible union of independent republics, into "a more perfect Union." Their experience under the Confederation showed that their political existence demanded a government with one supreme, unquestioned authority. Gouverneur Morris declared at that time in prophetic spirit: "This country must be united. If persuasion does not unite it, the sword will." It was believed the country would be united by the adoption of the Constitution; but the event showed that in the toleration of slavery the germ of a later and greater conflict had been left in the instrument of union, in due course of time and growth to burst the nation wide asunder with an appeal to the arbiter forecast by Morris.

CHAPTER V.

VIRGINIA OPENS THE PANDORA BOX.

"NOW, MISCHIEF, THOU ART AFOOT."

As part of the plan on which the Southern Insurrection was working, Governor Letcher summoned the Virginia Assembly to meet January 7, 1861. The ostensible purpose of the session was legislation in connection with the proposed sale of the James River & Kanawha Canal to a company of French capitalists—to raise money, probably, to promote the arming of the State. This was assigned in the Governor's message; but much the larger part of the document was taken up with a discussion of banks and State finances. The real kernel of the message—not unlike the postscript to a woman's letter—was found in a few paragraphs relating to the question then everywhere uppermost in the public prints and in men's minds—secession. As soon as sent in, this part of the message engrossed both houses to the exclusion of everything else. In other ways also this message was much out of the ordinary. It reads as if written by different hands guided by different purposes. It professed to deprecate the calling of a Convention, yet beyond doubt that was the sole object of assembling the Legislature. It declared the Union was already dissolved, and that the North was to blame for it. Then it undertook to state the conditions on which the dissolution of the Union might be prevented.

There must be a repeal of all "personal-liberty" laws and a rigid execution of the fugitive-slave law; guaranties for the protection of slavery in the District of Columbia—no abolishment there unless Maryland should emancipate, nor then unless demanded by the citizens of the District; guaranties that slavery be not interdicted in any territory either by territorial legislature or by Congress; owners to have right to carry their slaves through free States and Territories and be compensated for any lost in transit; guaranties that the domestic slave-trade be not interefered with; punishment of assaults (like John Brown's) on the slave-holding States with intent to incite insurrection. And, most humiliating of all, the United States "to be deprived of the power of appointing to local offices at places in slave States persons hostile to their institutions or inimical to their rights."

A caucus of Congressmen from fourteen central States was held in Washington about this time; and the conditions for the security of the South presented by them are so strikingly like Mr. Letcher's they need not be recited. The conclusions of the caucus were embodied in resolutions introduced in the House by Etheridge of Tennessee. They added the condition, afterwards put into the Peace Conference report, to restrict the acquisition of territory.

RUSHING INTO REVOLUTION.

Thus we approach this critical juncture with a series of demands on all sides for the protection of slavery. Nobody anywhere was asking for guaranties in behalf of freedom. It plainly appears from the uniformity of these demands that the summoning of the Virginia Legislature at

this time was part of a plan carefully preconcerted. This was shown still more sharply by the character of the propositions immediately brought forward in the Assembly. The conspirators could not wait for the full reading of the long message; but in one house as soon as the portion relating to Federal matters had been read, the further reading was dispensed with. In the Senate Mr. Douglas introduced resolutions setting forth that "the use of force by the general government, by land or sea, directly or indirectly, for the purpose of maintaining the Union" would be subversive, destructive, etc., of the rights of the States and "revolutionary;" that Virginia would not consent that any seceded State should be coerced and that she would resist "all attempts by the Federal government to overthrow and destroy the Union." It provokes a smile, this idea that the government of the Union was trying to destroy the Union by enforcing its laws! But nothing was too absurd for the madness of that time.

CONVENTION CALLED.

In the House, Bassel of Upshur offered resolutions of similar import; and a committee of fifteen was immediately raised and instructed, by unanimous vote, to report a bill for a convention. There was no deliberation—no hesitation, but all the precipitancy of a revolution already resolved on. A proposition to first submit to the people of the State whether they wanted a convention was offered in the House but voted down by a large majority. The minority in the Assembly did extort the condition that when electing delegates to the convention the people

might vote whether the action of the convention should or should not be referred to them for approval or rejection; but, as we shall see, this condition was ruthlessly violated. The concession was not made in good faith. There was no intention that the condition should be observed. The bill had been so drawn that it would be in the power of the Convention to revise the Constitution, and thus to so amend it as to provide for a fairer system of taxation and for representation in the Senate on the white basis. But it is apparent this was only a lure to catch the Western constitutiencies, the programme of the conspirators contemplating that revolution should be precipitated (as it was) before any such remedial measures could become effective. The *Enquirer* denounced this "reference" to the people as "imperiling all that Virginians hold most sacred and dear."

NO TIME FOR CONSIDERATION.

The election was ordered for February 4th. Only three weeks were allowed for the canvass; and the convention was to meet on the 13th, nine days after the election. There was hot haste all around, if we consider the gravity of the proceeding. In the House, January 9th, Joseph Segar protested against such precipitancy. "For heaven's sake," he urged, "give us a little more time—one short day's time at least—to ponder over these great questions, the most important ever presented for the reflection of American freemen; one brief day's pause for thinking on these thrilling matters." Dr. Rives, who replied, said the only amendment the bill needed was to shorten the time for the assembling of the Convention. Wilson, from

Isle of Wight, declared it was "no time for delay. Delays were dangerous." He was for "action—action immediate and decisive. I cannot," he said, "sing paeans to a Union that is dead. While it existed it was a Union of wrong, of injustice, of insult, and oppression. It was born with the seeds of disease. It has sustained itself a body of political corruption and putrifying sores, having the form of Union while the essence is dead. It stinks in the nostrils of all men; and it is high time Virginia freed herself from the body of this death." The following day Mr. Seddon of Safford read a telegram announcing that the Star of the West approaching Fort Sumter with provisions had been cannonaded back to sea. "The announcement brought down loud and tumultuous applause from the galleries."

TO MAINTAIN THE STATUS QUO.

One of the things this Legislature did was to propose a suspension of the functions of the United States government with reference to the rebellious States. They appointed John Tyler a commissioner to wait on the President and Judge Robertson a commissioner to the seceded States, requesting the President and the authorities of those States to abstain, pending action by Virginia, from acts calculated to produce a collision between those States and the government. President Buchanan had apparently begun to realize the abyss towards which the conspirators had been leading him and was drawing back from the consequences of his (let us say) pusillanimity. He had begun to take counsel with men like Edwin M. Stanton and Joseph Holt. He replied to the Virginia commissioner

that he had no power to make such an agreement as requested. Meanwhile the Legislature authorized an appropriation of a million dollars for the "defence" of the State.

ELECTRIC RICHMOND.

The storm-cloud was rapidly darkening. A Richmond letter to the *Wheeling Intelligencer* January 9th, two days after the Assembly met, begins:

The very air here is charged with the electric thunders of war. On the street, at the capitol, in the bar-room, at the dinner-table, nothing is heard but resistance to the general government and sympathy with the cause of South Carolina. In the Legislature the great aim, even amongst most of the Western members, appears to be to hurry things and precipitate a crisis.

A Richmond private letter of the same date said:

To say that the excitement is intense would give the cold-blooded people of your latitude a faint idea of the public feeling here. Everybody is feverish and a great many perfectly wild.

TO WED THE CONFEDERACY.

January 21st, the Assembly rounded out their program of insurrection by the passage of a declaration that "if all efforts fail to reconcile the existing differences between the two sections of the country, it is the duty of Virginia to unite her destiny with the slaveholding States of the South."

THE ONLY WAY.

A dispatch was sent from Washington to Richmond January 26th signed by the Virginia senators, Mason and Hunter, and by eight Virginia congressmen, including Albert Gallatin Jenkins, advising the Assembly

to press for "decided action by the people of Virginia in convention" as the "surest means under providence of averting the impending Civil War and preserving the hope of reconstructing the Union already dissolved." [!]

WEST VIRGINIA MEETS THE CRISIS.

Although the time was short and the season inclement, a keen interest was excited throughout the State by these summary proceedings. The canvass was brief but sharp. Candidates were required to define decisively their attitude on the question of secession. The issue was too menacing to admit of indifference or evasion.

A Union meeting had been held at Parkersburg January 1st, in which Gen. John J. Jackson, Arthur I. Borman and J. M. Stephenson took part, at which it was resolved:

That the doctrine of secession had no warrant in the Constitution and would be fatal to the Union and to all the purposes of its creation. Secession was revolution.

That the laws of the United States were as binding on South Carolina as before her secession.

That nothing in the election of Lincoln afforded a reasonable ground for the abandonment of the government.

That the proposed call for a convention was at the instigation of the enemies of the Union and intended to precipitate secession.

That the Legislature had no constitutional power to call a convention for the purpose of changing the relation of Virginia to the United States.

That they would not be bound by the action of such convention unless any proposed alteration of such relation was first submitted to and sanctioned by the people at an election giving ample time for discussion.

That they demanded the white basis of representation and ad valorem taxation.

Large meetings held at Clarksburg and in the Athenaeum at Wheeling adopted similar declarations.

DIVISION DEMANDED.

The *Wellsburg Herald* of January 4th remarked that "the talk about a division of Virginia in case of an attempted dissolution of the Union" did not "seem to be losing any earnestness or quantity. The idea of annexing the Panhandle counties to Pennsylvania," adds the *Herald*, "has but few supporters, but the supporters of the other project are very numerous."

The *Tyler County Plaindealer* of same date remarked:

No ties bind us to Eastern Virginia but the unjust laws they have made. In no way are we, nor ever can be, of them. Our location, our trade, our interest in every way, admonish us to separate ourselves, to protect ourselves while the power to protect is left us. We are for secession at once, and let the Blue Ridge of mountains be the line.

The editor of the *Plaindealer* was J. Edgar Boyer, who became the first Secretary of State of West Virginia.

About this time, the *Morgantown Star*, edited by Marshall Dent, a Douglas Democrat, who went to the Richmond convention, said:

The people of West Virginia have borne the burden just about as long as we can stand it. We have been hewers of wood and drawers of water for Eastern Virginia long enough, and it is time that section understood it; and it is time that our would-be leaders in our own section understood it.

A letter from Amacetta, Wayne county, written January 16th (by Z. D. Ramsdell, I think,) declared that "Virginia must be divided. The West must and shall be a free

and independent State under the name and title of West Virginia." This was a good guess, if we consider the date this was written.

The propriety of a division of Virginia began to be talked about in other parts of the country even before the issue was distinctly raised in Northwestern Virginia. The *Providence Journal* about the beginning of the year said Virginia was quite large enough to make two States; that Western Virginia had territory enough and all natural advantages to make a flourishing State.

A letter from Clarksburg January 12th said: "We intend if eastern Virginia secedes to raise the banner of separate State sovereignty in Western Virginia and remain in the Union."

A MINORITY OF ONE.

In the Virginia Senate January 8th, on the resolutions committing the State to a position hostile to the government, of the 36 senators voting Alfred Caldwell of Wheeling voted a solitary "No." In the House Arthur I. Boreman and four other Western men of whom Nathaniel Richardson was one, also voted no. Alfred Caldwell, who cast this lonely vote, was a man not afraid to be in a minority. He was one of the most sagacious and resolute Republicans in the Northwest. As Seward once said of Stephen A. Douglas, his coat-tails came pretty near the ground; but if his limbs were not long, his head was; and for many years he played a strong hand in the municipal politics of Wheeling, being especially influential with the German element. On the election of Mr. Lincoln, Mr. Caldwell chose to go into exile and accepted the consulship



GIBSON L. CRANMER.

at Honolulu, where he remained six years, returning to Wheeling in the autumn of 1867. He took no further part in public affairs and died a year or so later.

HOT TIME IN WHEELING.

At Wheeling, Gibson L. Cranmer, afterwards secretary of the May and June conventions, in a card printed January 18th accepting candidacy for the Convention, concluded by saying that in the event of secession by Virginia, he was in favor, "as a last resort, of a separation."

In a card defining his attitude, Chester D. Hubbard of Wheeling said: "With reference to a possible division

of the State, I regard it as I do secession, something not to be thought of or talked of—a remedy infinitely worse than the disease.” But this was an exceptional note among Union men. Nearly everywhere in the Northwest the sentiment expressed was for a division if driven to it by attempted secession.

In Wheeling the canvass was hot. The following questions were put (in print) to the candidates there:

Will you (1) vote against secession? (2) Demand an ad valorem tax on all property without discrimination? (3) Demand the white basis of representation in the Senate? Thomas H. Logan replied: “I unhesitatingly answer all these questions in the affirmative.” Andrew F. Ross declared he was “For the Union first, last and all the time.” Thomas Sweeney maintained “the right and power of the general government to enforce the laws,” but “under existing circumstances” denied “the policy of coercion or armed invasion.” He stated the question as being: “Shall we have compromise or war?”

Mr. Sweeney was looked upon as the secession candidate, but was not willing to admit it. The following questions addressed to him were printed in the papers; and he, not replying, were sent to him in person:

Would you vote for the secession of Virginia from the Federal Union?

Would you sign an ordinance of secession should one be passed?

Mr. Sweeney refused to pledge himself. One correspondent (S. H. Woodward, I think) asked for categorical reply to the following:

Have you or have you not said that in your opinion it would be to the interest of the City of Wheeling for the State of Virginia to secede because it would make her a great manufacturing emporium? Yes or no.

Do you believe the State of Virginia ought to withdraw from the Union for any at present existing cause? Yes or no.

Do you believe a State can secede by its own right? Yes or no.

Will you if elected oppose by all means in your power, and use all your influence as well as your vote, to prevent secession under all circumstances and for whatever pretext? Yes or no.

Mr. Sweeney did not reply.

HIGH TEMPERATURES ELSEWHERE.

Campbell Tarr, in Brooke County, declared himself utterly opposed to secession in any contingency.

A Union meeting in Hancock January 21st pledged to support no man who would not "clearly and unequivocally pledge himself if elected to support the laws of the United States as they now stand or until altered or amended as therein prescribed, and oppose secession in every shape and form."

In Monongalia County, Marshall M. Dent promised to "oppose secession of Virginia from the Union under any event, to advocate amendments to the Constitution taxing property according to value and establishing the white basis of representation."

The tightest resolutions of instruction adopted by any public meeting were adopted at Clarksburg January 19th. They were offered by John J. Davis. It was resolved to support no man for the convention:

Who is not unequivocally opposed to secession and will not so pledge himself;

Who will not pledge himself to vote against the appointment of persons to represent Virginia in any convention having for its object the establishment of a provisional government, or of persons to any body convened for the purpose of forming a Southern Confederacy or other government;

Who will not pledge himself to vote against any ordinance, resolution or motion that has for its object the withdrawal of the State from the Federal Union;

Who will not pledge himself to vote against any resolution to be laid down as an ultimatum, the refusal of which by other States to be considered just cause for seceding from the Union;

Who believes that the Convention to meet at Richmond, February 13, 1861, or any State authority, can absolve the citizen of this State from his allegiance to the general government;

Who does not believe the federal government has the right of self-preservation;

Who will not oppose all deliberation and discussion by members of said Convention in secret session.

On these resolutions John S. Carlile and Charles S. Lewis were nominated for the Convention.

January 28th a meeting in Marshall County adopted resolutions patterned after this Clarksburg platform.

January 21st, at the largest meeting ever held in Wood County, Gen. John J. Jackson was nominated at Parkersburg for the Convention, on a platform of unconditional Unionism.

A meeting at Cameron January 26th declared "unflinching devotion to the Union;" that West Virginia would not be governed by any action of the Convention dissolving our connection with the Federal government; and instructing delegates in event of secession "to take steps for dissolving our connection with the eastern part of the State." Yet this Convention, professing these sentiments

committed the absurdity of "denying the right of secession" and "condemning the policy of coercion" in the same resolution. They advocated *ad valorem* taxation, declared they would support no candidate of known disunion sentiments, but demanded the repeal of "all obnoxious laws having a tendency to violate the Constitution of the United States"—probably meaning the personal liberty laws. The elements in this Convention appear to have been mixed; and from a resolution endorsing Hon. Sherrard Clemens and the Crittenden compromise, it might be inferred Mr. Clemens had been plowing with the Marshall heifer.

A meeting held in Hancock the day before also endorsed the Crittenden plan and declared that if a compromise could not be agreed on "and we are left to choose between separation and Civil War, then we choose peaceable separation in preference to the horrors of Civil War (the legitimate offspring of coercion) as the best remedy." Ben Griffith, Daniel F. Connell, Joseph Burns and Joseph W. Allison were the "peace-at-any-price" committee who reported these unpatriotic utterances. E. Langfitt was president of the meeting and Dan. Donahoo secretary. It is fitting these names should go down in such a connection to posterity.

Another Marshall County meeting January 24th passed resolutions of unqualified loyalty, and one of them declared that if Virginia seceded they pledged themselves to do their utmost to secure a separate State.

A (so-called) "Union" Convention in Wheeling January 30th, in their first resolution declared "unalterable opposition to secession;" in the second their belief that

the Crittenden plan as a basis of compromise would be "fair and just to all parties," but were "disposed to agree to any plan of adjustment which would give perfect equality to the States in the common territories of the country." The resolutions were carried nem. con., but the meeting after holding three sessions broke up in confusion without naming candidates.

January 31st, Chester D. Hubbard announced himself a candidate for the Convention in Ohio County. He pledged himself to "try to be faithful to you, to Virginia and to the Union." The *Intelligencer* said, in printing his announcement, that Mr. Hubbard would "never sign an ordinance of secession should it be passed."

A meeting at Hartford City, Mason County, declared the election of Lincoln was no cause for a dissolution of the Union.

A meeting in Wetzel County, of which George W. Bier was president, Samuel I. Robinson secretary and James G. West chairman on resolutions, sent up an equivocal note. The resolutions pronounce secession "unwise until all peaceful remedies are exhausted;" that "all State laws having any bearing directly or indirectly to nullify or prevent the just execution of the fugitive-slave law should be at once repealed." Mr. West got his second wind later; and in the Legislature of the Restored Government he was the fiercest Unionist in that body, not excepting Farnsworth.

The *Richmond Whig* of January 31st, referring to the candidacy of Sherrard Clemens for Convention in Ohio County, expresses the Richmond scorn for the "Black Republican" Panhandle in the remark: "the county that gave Lincoln 771 votes!"

The *Alexandria Gazette*, discussing the demands Western Virginia was expected to make in the convention for the white basis and ad valorem taxation, said if the East withheld these rights "it would take a hundred thousand bayonets from a Southern Confederacy to force Western Virginia into a union with the Cotton States."

A FUGITIVE-SLAVE RECLAIMED.

January 24th was completed the rendition under the fugitive-slave law of a negro girl who had run away from Wheeling and taken refuge in Cleveland. This was probably the last rendition ever made under that law. It will be seen that the owner and his counsel claimed it was an incident in the Virginia programme for "saving the Union," other parts of which were just then being so energetically pushed at Richmond.

The girl, "Lucy," was the property of John Goshorn, of Wheeling, who was reinforced in the chase by his son, William S. Goshorn. She had disappeared some three months before. A negro woman in Cleveland betrayed her whereabouts to her master; and, armed with the terrors of the law, the Goshorns proceeded to Cleveland to reclaim the fugitive. She was arrested January 19th at the house of a Mr. Benton and committed to jail. A writ of habeas corpus was issued by Judge Tilden, but on account of threatening demonstrations by the colored population it was deemed not prudent to bring the girl into court, and the case proceeded without her presence. The excitement among the colored people cooled down. They held a meeting two days later and, according to the *Plaindealer*, a

Democratic paper, resolved to "obey the law." The *Plain-dealer* had this to say of the case :

The slave, Lucy, who has been wishing herself back to Old Virginia ever since she came to our city, it is conceded on all hands should go home to her master, as he promises not to sell her South as she feared, but is willing to let her go North on payment of a stipulated sum. We never witnessed so unanimous a public opinion in favor of law and order as now prevails in this city.

Doubtless the Cleveland people wished to avoid furnishing the Secessionists at Richmond the club which a resistance to rendition would have armed them with. Thursday, 23d, Judge Spaulding, the girl's counsel, withdrew the defence. In doing so he said :

Nothing now remains that may impede the performance of your painful duty, sir, unless I be permitted to trespass a little further upon your indulgence and say to this assemblage: We are this day offering to the majesty of constitutional law a homage that takes with it a virtual surrender of the finest feelings of our nature—the vanquishing of many of our strictest resolutions; the mortification of a freeman's pride, and I almost said the contravention of a Christian's duty to his God.

Mr. Goshorn's counsel said :

The right of slavery or the constitutionality of the fugitive-slave law is not involved here. The latter question has been decided. The duty of the court is to give effect to the law. In justice to the claimants, I must say they are actuated by no mercenary motives. Neither do they come to wake the prejudices of the North. Virginia now stands in a commanding position and wishes to show the Southern people that the Northern people will execute the laws and be faithful to the Union. The citizens of Cleveland have come up to their duty manfully; no man has laid a straw in the way of the enforcement of the law.

Marshal Johnson read provisions of the United States law bearing on his duties, and said he had no alternative—he must obey them. But the girl could be purchased in Wheeling, and he would give \$100 for that object. He asked permission for the elder Goshorn to speak. The old man accordingly made a rambling little address, in the course of which he said:

I would that the task of representing Virginia had fallen to better hands. The South has been looking to such a case as this. I have no office to gain. I want to save the Union. We must do it if our servants will not.

In Wheeling the Goshorns were regarded as bitter Secessionists, who, so far as known, had never felt—at least never shown—any anxiety to “save the Union.”

The only unpleasant incident that happened to the Goshorns while in Cleveland was that at the Weddel Hotel a colored waiter refused to serve them; for which he was discharged by the proprietor, “Colonel” Ross.

Two other incidents connecting with this tragedy may be mentioned. The *Cleveland Herald* reported that a waiter at one of the city hotels was told that his former master from North Carolina was in the city looking for him. He at once left the house and never rested till he had put the Canadian boundary between his master and himself. He had to leave a Republic to find asylum and liberty in a monarchy. In Toledo a hack driver attached to the Collins House, coming from the depot with his load one evening, jumped from the box as soon as he reached the house, not stopping to let out his passengers. Taking the proprietor aside, he requested payment of his wages,

giving for the request this very good reason: "It's time for dis feller to be goin'. I's got my old massa in de carriage!" If the editor of the *Plaindealer* heard of these incidents he must have wondered at the perversity of human nature—for of course these men ought to have been wishing, like the girl Lucy, to get back to their masters!

THE COUNTRY SAVED.

In the Wheeling City Council February 12, Nathan Wilkinson introduced a preamble and resolutions (which were adopted) setting forth the circumstances of Mr. Goshorn's recovery of his slave; setting forth also that the Council of Wheeling deemed it "proper to make special acknowledgment of an instance of fidelity to the constitutional obligations of the North in the conduct of Northern citizens and officers, to the end that harmony among the States may be fostered;" referring to the circumstance that on the return trip of the Messrs. Goshorn with the recovered chattel they "received prompt and efficient aid, according to the Constitution and laws and to the duty of comity between citizens of different States of the Union, and especially that of Matthew F. Johnson, the marshal, and W. C. Cleland, conductor on the Cleveland & Pittsburgh Railroad, who exerted themselves with intelligence, vigilance and courage to baffle the operations of all opponents and to secure the return of said fugitive to Virginia;" for all of which "the thanks of the city of Wheeling" were tendered to these gentlemen "and to all other citizens of Ohio who have in like manner given proofs of their good will towards this State and their fidelity to the Constitution which binds the States together."

It appears at one point along the route a crowd of colored people had assembled to meet the train; and it being apprehended they might attempt a rescue, the train was run past the station; and it was for this eminent display of "courage in baffling" the crowd that the Council felt called upon to thank the conductor.

SILENCE THE PRICE.

Harriet Martineau relates that at this period every public man in the United States with whom she talked agreed that silence in regard to slavery was the sole condition of preserving the Union. Nobody had the courage to ask whether the Union were worth preserving under such conditions.

It was the period of which Henry George said in his open letter to Leo XIII. written in 1891: "Slavery seemed stronger in the United States than ever before, and the market price of slaves—both working slaves and breeding slaves—was higher than it had ever been before, for the title of the owner seemed growing more secure. In the shade of the hall where the equal rights of men had been solemnly proclaimed, the manacled fugitive was dragged back to bondage, and on what to American tradition was our Marathon of freedom the slave master boasted he would yet call the roll of his chattels."

NET RESULTS.

The careful student of history will note that despite all this exploitation of "fidelity to the Constitution" by a Northern city, and despite Mr. Goshorn's eminent services in making a case for the South, the secession of Virginia

was not stopped nor the Southern insurrection disarmed, by this rendition; nor was the swift preparation for war in progress at Richmond appreciably checked.

Thus after a few momentous days, swifter than the weaver's shuttle, filled with growing agitations and anxieties, we come to the threshold of the historic Convention assembled in the ancient capitol at Richmond February 13, 1861, fated to betray its pledges to the people of Virginia; to deliver them into the hands of the Cotton State conspiracy, as Sampson was by his harlot delivered to the Philistines, shorn and helpless; to light the torch of a stupendous war, which, with unparalleled sacrifice of life and treasure, was to turn the current of history on the Western Continent into new channels, and to produce consequences far-reaching and incalculable.



THE CAPITOL OF OLD VIRGINIA.

CHAPTER VI.

THE VIRGINIA CONVENTION—ITS CAPTURE BY THE CONSPIRACY.

THE UNION VICTORY.

The Convention thus brought together in midwinter, in the midst of an insurrection already embodied, had been chosen by a people of whom a large majority were opposed to secession. The Secessionists had all voted against referring the action of the Convention back to the people; the Unionists had all voted for such reference. The result of the election was deemed a great Union victory. Some wolves in sheep's clothing had slipped in; but still the Union control of the Convention was considered decisive. The choice for president of such a "strong and determined Union man" as old John Janney of Loudon, nominated by such another as George W. Summers of Kanawha, was assuring. This Convention was the rock against which the billows of secession would beat in vain!

"WILL YOU WALK INTO MY PARLOR?"

With his message to the Assembly January 7th, Governor Letcher had transmitted credentials of two ambassadors from Alabama whom he styled "commissioners to the sovereign State of Virginia." Among these budding sovereignties, ambassadors and commissioners plenipotentiary were cheap and abundant. Before the Convention had got

fairly organized there was an irruption of these high-flying gentlemen from other Southern sovereignties—one each from Mississippi, Georgia and South Carolina—who had come, like the spider to the fly, to press upon the Convention the hospitality of the parlor of secession. It was a repetition of the stimulation applied to the Assembly. But the Convention did not seem so hot for revolt as the other body had been. They were not carried off their feet by the fervid appeals of the Cotton-State emissaries. First impressions of the Convention justified the popular expectation. There was an appearance of dignity and steadiness that augured well.

WEIGHED IN THE BALANCE.

There were 152 delegates, of whom in the Presidential election the year before 85 had been for Bell, 35 for Douglas and only 32 for Breckenridge. On a superficial view, the body was considered "Union" by more than a safe majority. But it was not understood then as well as afterwards that Bell's candidacy was in the interest of Breckenridge and secession, and by no means all his supporters could be counted as supporters of the Union. Besides, this estimate did not take into account the new fact that men were about to be tried by a new standard. It had been easy to be "for for Union" in theory and profession; it remained to be seen how men would endure the test in practice. Were they prepared to stand up against friends, neighbors and fellow-citizens who were about to draw the sword? One of the surviving secession members recently classified the delegates as they stood at the opening as "One-fourth for immediate secession, one-fourth for the

Union unconditionally, one-half in favor of making a still further effort to bring about pacification and avoid disunion if possible." Out of this conditional one-half, whose status was to be determined by circumstances, were to come the woes of Pandora. It was as true in that Convention as it ever was in the Bible that those who were not for were against. Any middle ground was impossible. The truth was like the negative of a photograph: it was there, not yet visible, but needed only to be developed. In that negative one-half were hidden enough Secessionists, when developed in the "dark-chamber" of secret sessions, to carry Virginia across the Rubicon. Nobody could be counted for the Union if not unconditionally. All others were Secessionists under pressure—when the time came; after due pretense of being overcome.

REFERENDUM.

February 20th, a committee reported the vote on the question of referring the action of the Convention to the people. Including all but sixteen counties the vote was announced as showing a majority of 52,857 in favor of "Reference." Yet on the 5th the *Enquirer* had declared that not twenty "submission Unionists" had been elected. The next day it raised the number to thirty, and said that the "resistance men" had elected over a hundred. At this time it looked to the superficial observer as if the *Enquirer* were wide of the mark.

CONFIDENCE AMONG THE CONSPIRATORS.

But while the great body of the Convention were ostentatiously for the Union, the avowed Secessionists were in no wise dismayed, and they were busy as moles working

under ground. By and by, some of the "Union" members began to show the quality of their professions. But before particularizing, let us note some almost prophetic words which had appeared in the *Clarksburg Guard* just at the opening of the year, before the meeting of the Assembly which called the Convention:

A LIFTED CURTAIN.

From numerous articles published in the newspapers—evidently by disunionists—it is believed that a strong effort will be made in the approaching session of the Legislature to induce that body to authorize the call of a convention for the purpose, pretendingly, of determining what course Virginia shall pursue, or what position she will assume, in the present alarming state of affairs existing in the country; and it is believed that the movers of this scheme hope and expect, by the handicraft workmanship of their many dextrous and never-tiring wire-workers and tricksters, to be enabled in the building up of this convention to secure and to mix in its body a majority of members favorable to disunion; and then to decide in favor of disunion and proceed to make the necessary provision for the appointment of vigilance committees and minute-men (another name for Jacobin clubs) in every county and magisterial district in the State, to be set to work in every corner, and to work openly in appearance but secretly as spies; to use all means, whether fair or foul, to inflame the public mind, to excite and arouse the worst and most depraved portion of the population, like the Yancy vigilance committees. And no doubt they expect with this machinery to easily drag Virginia into revolution whether her people are willing or not, if it can be done in no other way.

This was written by John J. Davis, of Clarksburg, a young lawyer, who was in the May Convention, in the June Convention and House of Delegates of the restored government, and afterwards in Congress. The attention of Mr. Carlile was caught by the article, from which the



JOHN J. DAVIS.

foregoing is but a brief extract, and he obtained from the editor of the paper, Cyrus Ringler, the name of the writer, sought him out and made his acquaintance. The history of the Convention shows how well the programme here forecast was carried out.

NO COERCION.

To understand how the catastrophe involved in the secession of Virginia could become possible, we need to understand the special conditions which constituted the weakness of "Border-State" Unionism, now in Virginia approaching the ordeal of fire.

The Unionism of the so-called Border-States was a tenderer plant than the variety grown farther north. Conditions of soil and atmosphere were different; and there had been a system of culture which made the plant less hardy than if it had been left to a natural growth. For years the educators had been quietly busy, in the press and from the hustings, inculcating the dictum that while the "Union and the Constitution" must be preserved, there must under no circumstances be any employment of force to that end. It was a sort of political "Christian science." There must be no administration of remedies no matter how desperate the case. The preachers of this gospel, professing to be Unionists were of the variety that believed in the virtues of the "Crittenden compromise;" that thought the rights of the South needed guaranties, and that the Border-States were in position to exact them in their character of intermediate between the two extremes.

When the application of Carlile and Willey, senators-elect from Restored Virginia, was under discussion in the Senate July 13, 1861, Ten Eyck of New Jersey asked Powell of Kentucky why Kentucky had not come to the rescue of the government when the call was made for 75,000 men? Powell replied that Kentucky believed the call was for the "subjugation" of the Southern States. Kentucky had assumed a position of "neutrality" and he hoped would be able to maintain it. Ten Eyck rejoined that, in the language of Kentucky's own son, General Rousseau, "neutrality is treason." There could be no neutrality in such an issue as confronted the country. "Whoever is not for the government," he said, "is against it." Douglas'

last words at Chicago were: "There can be no neutrality in this war; only patriots or traitors."

Mr. Lincoln let the light of truth into this border-State fallacy in his message to Congress in July, 1861:

In the Border States, so-called—the Middle States—there are those who favor a policy which they call armed neutrality; that is the arming of those States to prevent the Union forces passing one way or the Disunion the other over their soil. This would be disunion completed. Figuratively speaking, it would be the building of an impassable wall along the line of separation; and yet not quite an impassable one, for under the guise of neutrality it would tie the hands of the Union men and freely pass supplies from among them to the insurrectionists which it could not do as an open enemy. It would do for the Disunionists that which of all things they most desire—feed them well and give them disunion without a struggle of their own.

Under all this protest against "coercion" and this pretense of neutrality on the part of the Border-State "Union" men, it was continually assumed that the claim of the State to the citizen's "allegiance" took precedence over that of the United States; and there was a tacit assumption also that the general government was, in some sort, an aggressor and trespasser on the "reserved rights" of the States; constituting a grievance and conceding ground claimed by the Secessionists. But none attempted to define, in the words of Jackson, "the acts so plainly unconstitutional and so intolerably oppressive to them" as to justify the theory of government oppression.

Thus had the ground been prepared in Virginia to make it easy "to mix in" the Convention enough "no-coercion" Unionists to fatally "dope" that body when the crisis preparing for them had to be met.

In this matter of "coercion" the Richmond conspirators were careful not to take their own medicine. They did not hesitate a moment to coerce the people of Virginia into the Southern Confederacy the instant their plot was ripe for it. Even the President of the United States, with one foot in the grave and the other on the brink of infamy, could find no warrant in the Constitution for the "coercion of a State." He could have found abundant warrant for the coercion of rebels within a State if he had wanted to. His attitude receives possible explanation from the fact (stated by McPherson) that after his death a lot of Confederate bonds were found among his papers.

GOING WITH THE STATE.

Standing alone, the bald fallacy of "State sovereignty" could not have captured Virginia or her Convention, for the large preponderance of sentiment in the State was against it. It was the false standard of State pride to which the plea of "no coercion" successfully appealed; and it was not every man who could find courage to reject the dogma that he must "go with his State." Virginia Whigs had long been the followers of Henry Clay, who in the memorable debate over compromise measures in 1850 said:

If Kentucky to-morrow unfurls the banner of resistance unjustly, I will never fight under that banner. I owe a paramount allegiance to the whole Union; a subordinate one to my own State. When my State has cause for resistance, I will share her fortunes; but if she summons me to support her in any cause which is unjust against the Union, never will I engage with her in such a cause.

This had been the doctrine of Whigs in Virginia; but the insidious missionary work of the "no-coercion" propagandists had seduced large numbers of them from this attitude and prepared them to abandon it in the emergency the conspiracy was planning to produce.

TRAPPED.

That half of the Convention who were "Union" on conditions had drawn the line at measures of coercion; and it was this that paralyzed their loyalty when the crisis came. On the call for troops, they "gave way," as expressed by Mr. Summers in his Wheeling speech. It was this which brought old John Janney down from the chair to confirm with his signature the fatal ordinance which lighted the fires of the rebellion and to congratulate and commend Lee, who had been appointed to head the forces of revolt against that Union which had educated him, whose bread he had eaten, whose oath he violated, whose sword he dishonored in accepting the commission of rebellion. To this inexorable end were brought all who accepted the dictum that the government must not employ force to preserve its life. The woman who deliberates is not more surely lost than was the Unionist who in that day committed himself to the doctrine of no-coercion.

PAR NOBILE FRATRUM.

In this Convention the Northwest was especially disgraced by two members. One was Samuel Woods, of Barbour, who was the first of the "Union" delegates to show the cloven foot. Only eight days after the assembling, he

offered resolutions declaring that the allegiance of the citizen to his State was paramount; that Virginia recognized no right of coercion, that "any attempt to coerce was a declaration of war." The other was Leonard S. Hall, of Wetzel, who, the same day, moved to instruct the Committee on Federal Relations to report the constitution of the Confederate States as Virginia's ultimatum. When Woods had offered his no-coercion resolutions, he was eulogized by Wise, who was encouraged thereby to regard the Northwest as sounder than some were willing to believe. Hall was afraid it was not so sound as Governor Wise supposed. He himself was the only man in all that section who had been elected on the Crittenden proposition. There was, he assured them, no sounder States-rights people upon the face of the earth than the people of Wetzel. He proceeded to say he believed the State had a right to secede; that the Constitution was nothing more than a treaty between sovereignties. He was willing to present an ultimatum to run to the first of July, and "if Virginia is to go, let her go and take the Constitution with her."

A letter from Wetzel received in Richmond stated that nine out of ten who had voted for Hall supposed him a "good Union man," and considered themselves sold to the South through the influence of Charles W. Russell, who was recognized as Hall's political mentor. Mr. Porter, of Hancock, after his return from the Convention, said that "to have any influence in Richmond a man must talk and act like Hall of Wetzel, who said the people of Wetzel were in favor of the dissolution of the Union 'because there was an irrepressible conflict between free and slave labor.'

Now, there were just seven slaves all told in Wetzel County; but for this specimen of philosophic statesmanship the Richmond folks presented Hall a gold-headed cane. It was inscribed: 'Presented to L. S. Hall, of Wetzel, for his vindication of the honor of Virginia.' "

Mr. Woods, while emulating Hall's example of subservience to secession, seems to have been a man of more sense, with also a greater capacity for evil. He was the first signer of the secret circular sent out to the "Jacobin Clubs," or "minute men," summoning the mob to Richmond to overawe the Convention when they were getting ready to force the passage of the ordinance of secession. Concerning this man Woods, a correspondent of the *Indianapolis Journal* wrote from Phillippa in December, 1861:

At this place lived the notorious Woods, who was elected as a Union delegate to the Richmond Convention and there, it is said, was the first to move for secession; and when he returned made a speech to the people, and especially to the women, giving utterance to the basest falsehoods concerning the designs of the Northern Army upon the defenseless. And when the Federal cannon, on the 2nd of June I believe it was, from an adjacent hill poured their thundering missiles upon the rebel army then in town, he leaped upon his horse and with the armed rebels scampered away. On his starting, his wife alarmed by his reports concerning the Northerners, asked what she should do? "O," he said, "I guess they will not molest you." And strange to say, she and her children have remained in the vicinity until the present time, unmolested!

A correspondent of the *Wheeling Intelligencer*, writing in June, 1861, says that when Woods ran away from Phillippa, he carried with him the assets of the Bank of Phillippa, "leaving only the vault behind." This writer

says Woods went to Richmond as a Union man, elected over an avowed Secessionist, although the circular he addressed to the people of Barbour was "covert disunion masked in the livery of heaven."

A LOOKER ON IN VIENNA.

The editor of the *Intelligencer*, Mr. Campbell, spent some time in Richmond as a "looker on in Vienna." Hall, of Wetzel, had caught his attention and had received some notice, more polite than flattering, in letters to his paper. He had said, the member from Wetzel was misrepresenting his people in the demonstrations he was making in favor of secession. Hall, eager to make the most of any kind of notice however unflattering, was so inflated with this he got up in the Convention for a personal explanation. In the course of it he said Clemens and Hubbard, of Ohio County, had been elected on a platform dictated by the editor of the "*Intelligencer*." This brought the Hon. Sherard to his feet with a fine show of indignation over Hall's imputation that he was "disloyal to the institutions of Virginia." Hubbard followed in a similar vein, quoting his address prior to the election. He had come to the Convention "as a Virginian—a Virginian from the Chesapeake to the Ohio—a Virginian on both sides of the James River." This was the correct thing for politicians in Virginia to do at that time. If one did not want to be "suspect" (as they used to say in France under Robespierre) he must on all fitting occasions avow his loyalty to Virginia and its negro institution. It is a surprise that so

good a man as Chester Hubbard should have evinced this sensitiveness, but Clemens' disclaimer was quite in keeping with his usual political attitude.

NORTHWESTERN DEVOTION TO RICHMOND.

Wiley was even more solicitous about Eastern approbation than most of his Western colleagues. Following the speech made by Hall, of Wetzel, March 21st, vindicating the people of Wetzel against the suspicion of "disloyalty to Virginia," Mr. Wiley got the floor and addressed the Convention at some length in vindication of the Northwest generally against "intimations and insinuations prejudicial to the character of that section for her loyalty to the institutions of Virginia—going to credit the idea that there is a want of loyalty in the Northwestern section of the State to the institutions of the State—all our institutions." Towards the conclusion of his remarks, Mr. Wiley put the Northwest into the attitude described in the following passage:

When the last resort must come—when the proper appeal to the law and the constitution has failed to redress the grievances of the East—when her oppressions are intolerable—I tell you the Northwest will send you 10,000 men, with hearts as brave and arms as strong as ever bore the banner of freemen; and they will rally to her support and seize by violence, if you see proper to call it so, or rescue by revolution, what we could not get by means of law. We are with the gentleman from Princess Anne (Wise) in that regard. We do not always understand what is meant by the right of secession, we do not understand what is meant by the right of revolution, but when the proper cause arises there are men in West Virginia who will stand by the right to the last extremity.

THE ROSES FADE.

It is interesting, in view of later events, to note through Editor Campbell's letters the roseate glow of early confidence in the Unionism of the Convention, and how that glow faded away later into soberer and finally somber colors. He wrote the day after the Convention met, referring to certain avowed Secessionists in the East: "They see now pretty plainly that there is going to be no secession of this State. * * * And, more than all, they see that the Western members are resolving that the State shall not be put to all the expense of this Convention without knowing where it and kindred expenses are to come from. It is in the air that the grand move so long talked of for an ad valorem tax is going to be made. This, as General Jackson, of Wood, says, will be turning the Convention to account, and, if the point is gained, will relieve the West of nearly one million dollars in taxation which she now has to pay more than she ought. * * * "Certainly," said one of the Northwestern members about it, the East does not expect that we of the West are going to have our heart's-blood wrung out of us by such taxation. * * * Indeed, it is the common subject of remark, and I have heard it a dozen times this day, that since the West was a West she has never evinced a tithe of the backbone which she does now."

Further along, Editor Campbell is "glad to hear that Ben. Wilson, of Harrison, and our old friend Alpheus F. Haymond, are right upon the vital question of Western interests and also upon the grand anti-secession resolve. I hear members also speak encouragingly of L. S. Hall."

Alas, that hopes so fair should prove so false! We have already noted the later aspects of the member from Wetzel. Only six days after this cheerful outlook was penned, we find Benjamin Wilson, of Harrison, elected on strong professions of Unionism, offering the following:

Resolved, That we, the people of Virginia, in Convention assembled, do adhere with patriotic devotion to the Union of these States, and that we will do so as long as the same can be perpetuated consistently with full security of all our constitutional rights and the maintenance of the equality of all the States.

Resolved, That it is inexpedient and improper for the general government to increase its forces at the forts and arsenals and dock-yards within the limits of Virginia, or to do any act looking to warlike preparations against the State.

It may be noted here as well as later that Mr. Wilson, while favoring secession, lacked the courage to vote for the ordinance, and was excused from voting on his own request. But he voted at home for the ratification of the ordinance, and made so little concealment of his secession sentiments that in June, 1861, he was arrested by the military authorities, along with James M. Jackson and others, at Clarksburg.

Mr. Haymond soon gave himself conspicuously to bringing forward declarations on the subject of ad valorem taxation. This gave him the appearance of looking vigilantly after Western interests. While he and other Western members were entertaining their constituents with this talk about amending the constitution so as to correct some of the iniquities from which the West had always suffered, the secession conspirators were busy as moles with the real business of the Convention, burrowing under the foundations of Virginia Unionism, getting ready to topple

the whole structure into the abyss of the Confederacy—which being done, what would it avail whether taxation were ad valorem or on the old basis?

SYMPTOMATIC.

Let us note here a few symptoms of the temper of the Convention as manifested from time to time. February 20, numerous resolutions were introduced generally expressing attachment to the Union, but denouncing "coercion." Six days later Mr. Goggin, while denying the right of secession, admitted a revolutionary remedy, and said wherever Virginia went he was "with her." March 2d Mr. Goode, of Bedford, offered a resolution reciting that the powers delegated to the general government had been perverted to the injury of Virginia; and as the Crittenden resolutions had been rejected by the North, every consideration required Virginia to secede. March 5th, Mr. Harvie offered a resolution requesting the Legislature to make appropriations to resist the attempt of the Federal authorities to enforce the laws in the seceded States.

LOOKS SERIOUS.

But the first real shock to the complacency of the Union men in and about the Convention came from a resolution offered by Flournoy—Know-Nothing candidate for Governor against Wise in 1855. It was as follows:

Resolved, That whilst Virginia has a high appreciation of the blessings of the Union, and would do much and forbear much to perpetuate them, yet it feels itself bound to declare that an identity of interest and wrongs with the seceded States of the

South would, in case of an attempted coercion by the Federal government, demand and receive the interposition of all her military strength in resisting such aggression.

This went to the Committee on Federal Relations; and Mr. Willey, of that committee, confided to Editor Campbell that matters in the committee were not encouraging, and that the Flournoy resolution had given the committee a somber view of possible danger.

THE SECESSION MACHINE.

The chief instrumentality in the Convention for befogging the "no-coercion" Union members and committing them to secession was the Committee on Federal Relations, upon which the Unionists had been allowed by President Janney only seven members out of the twenty-one. On this committee the West had only four: William McComas, of Cabell; Samuel Price, of Greenbrier; Waitman T. Willey, of Monongalia, and John J. Jackson, of Wood. This committee undertook to name and shape conditions upon which Virginia would remain in the Union. In its composition, through some inexplicable means, President Janney had been led to compose it wholly in the interest of secession. It was but one instance of many—though an amazing one—in which the half-hearted Unionists of the Convention permitted their adversaries to seize and control the machinery of the Convention. The conditions formulated by this committee for the restraint of the United States government were, of course, impossible conditions, and were intended so to be; yet conditions which, once assented to by a member and rejected by the Federal

authorities, drove him to the logical alternative of supporting secession. This was the study and purpose of the conspiracy; and the propositions brought forward by this committee were exploited and discussed day after day with the two-fold purpose of confusing and inoculating members known to be vulnerable and of occupying the time till the progress of events and the consummation of plans should bring them to the crisis when the conspirators were ready to strike. This committee brought in a report March 9th—rather three reports. The majority embodied the suggestion that the eight slave-holding States which had not yet seceded be requested to appoint commissioners to a conference to be held at Frankfort, Kentucky, in May; and appended was a proposed amendment to the national Constitution covering the substance of the points agreed on by the Peace Conference. Messrs. Harvey, Montague and Williams reported in favor of immediate secession. The Convention was not ready for this. Mr. Wise dissented from both reports, differing from the majority in details but looking in the same direction. But none of the propositions received the assent of the Convention. It was not expected they would. They were but time-servers.

A SIGNIFICANT VOTE.

One of the declarations reported by the committee will illustrate their character and purpose. It was declared that the people of Virginia would “expect, as an indispensable condition that a pacific policy be adopted towards the seceded States, and that no attempt be made to subject them to the Federal authority, nor to reinforce the forts now in possession of the military forces of the United

States, or recapture forts, arsenals or other property of the United States within their limits, nor to exact the payment of imposts upon their commerce."

Mr. Carlile moved to strike out the language quoted. His motion received but 17 votes out of 121 cast. This motion covered the whole vital issue, and the vote showed that Virginia was lost to the Union. It is difficult to see how any one could mistake the significance of this expression and suppose after that there was a Union majority in that body on which any dependence could be placed. Those who voted for Mr. Carlile's motion were: Brown, Burdett, Burley, Carlile, Carter, Conrad, Dent, Early, Hubbard, John N. Hughes, Lewis, Moore, Patrick, Porter, Sharp, C. J. Stuart and Tarr. Willey and Alph. Haymond voted against.

It appears that early in the session Mr. Carlile fell in with the outcry against the right of the government to "coerce" a State, whether in earnest or from politic motives is not clear. February 16th he offered a resolution declaring that since the decision of the Supreme Court in the case of *Chisholm vs. the State of Georgia*, and the adoption of the XIth amendment, he was "at a loss to understand how the impression that the Federal government possesses power to coerce a State had obtained credence." But Carlile was loyal at heart and recognized the right of the government to enforce its laws everywhere. In a speech delivered March 7th, he declared it had the right to collect the duties in the seceded States as in all others; and the motion just noticed, to strike out of the Federal Relations report a contrary declaration, confirms this attitude.

PROPOSES TO "RESUME."

March 27th the committee brought in a substitute for their first report, proposing that the constitutional amendment should be submitted to the States for ratification or rejection; and if not ratified before the first Monday of October following, Virginia should then "resume" her sovereignty. This proposition to hang a threat over the country made even less impression. The element that had taken direction of the Convention did not look to any schemes involving such long delays. Like the member from Isle of Wight in the Assembly, they were for "action" just as quick as they could prepare to precipitate it. The discussion on the committee's report went on for several weeks, and served its purpose in occupying the time and in preparing members for more energetic action.

In the discussion of the ninth resolution of the report April 6th, Mr. Bouldin offered a substitute declaring the independence of the seceded States should be acknowledged without delay. This was rejected by only three majority; but on the 9th Wise offered a substitute for the tenth resolution to the effect that Virginia recognizes the independence of the seceded States, and this was adopted by 128 to 20.

THE FEVER RISES.

After the inauguration of President Lincoln, the excitement in and around the Convention increased like a fever as the night draws nigh. The crisis was approaching and events setting towards the catastrophe with accelerated speed. The galleries of the Convention were daily crowded

and popular demonstrations in the streets, intended to exert pressure on the Convention, increased in numbers and energy.

THE MOB GIVES VOICE.

Referring to Carlile's speech of March 7th, for which he was hissed as he was leaving the Convention accompanied by two ladies, Marshall M. Dent, member from Monongalia, wrote to his paper, the *Morgantown Star*, that the speech "struck the secessionists like a thunderbolt and was decidedly the boldest effort of the session." Mr. Dent adds the following incident as showing the temper of the Richmond populace even at that time:

This afternoon a crowd assembled at the old market and taking down a Union flag which had been floating there for many days, hoisted in its stead, amidst the cheers of the crowd, the rattlesnake flag. Speeches were made by several persons, among whom was Charles Irving, Mr. Clemens' second in the duel with Wise. In the course of his remarks Irving impressed upon the people that resistance was not enough; that the true policy was to drive the Convention out of the city at the point of the bayonet. Scarcely had Mr. Irving uttered these words when the crowd shouted "That's right! That's right! Drive them out!" and these cries were followed by deafening cheers.

About this time it was reported that O. Jennings Wise had told a member of the Convention that if they did not pass an ordinance of secession they ought to be driven from the hall at the point of the bayonet. Hon. William G. Brown, member from Preston, offered resolutions to request the Virginia senators to resign. Next morning he was abused by the *Richmond Examiner* and denounced as a relative of "old John Brown."

THROWS OFF THE MASK.

Conspiracy, which the poet feigned is ashamed even to "show its dangerous brow by night, when evils are most free," now threw off all disguises and came out into open day. The junta engaged a public hall (Metropolitan Hall), and held daily sessions, though under lock and key, organizing means of intimidating the Convention and forcing it to obey their will. John F. Lewis, in his testimony before the Joint Committee on Reconstruction (elsewhere quoted), makes this mention of this lawless body:

At the same time a party of Secessionists met together at Richmond—a self-constituted convention—for the purpose of forcing this Convention to pass an ordinance of secession or of turning them out of doors and deposing Governor Letcher. And I believe that if it had not been for the fear of that body the ordinance of secession could not have been passed. A large portion of the people of Virginia at that time were utterly opposed to the passage of an ordinance of secession.

John Goode, a member of the Convention from Bedford County, who became Solicitor General of the United States government under President Cleveland, printed in the Washington, D. C., *Conservative Magazine*, in its issue for February, 1900, a review of the history of this Virginia Convention. In the course of his article he makes the following reference to these conspirators sitting in Metropolitan Hall:

For several days prior to the action of the Convention on the 17th, there had been a convention of the people in session at Metropolitan Hall, in the city of Richmond. They had come from all parts of the State to make known the public demand for decisive action without further delay.

The nature of this "public demand" receives illustration from the following secret circular sent out from Richmond early in April:

SUMMONING THE MOB.

Your presence is requested at Richmond on the 16th day of April, 1861, to consult with friends of Southern rights as to the course which Virginia should pursue in the present emergency. Please bring with you or send a full delegation of true and reliable men from your county and if convenient aid the same object in the surrounding counties. On arrival at Richmond report to _____.

SAMUEL WOODS, Barbour.
JOHN R. CHAMBLISS, Greenville.
CHARLES F. COLLIER, Petersburg.
JOHN A. HARMAN, Augusta.
HENRY A. WISE, Princess Anne.
JOHN T. ANDERSON, Botetourt.
WILLIAM F. GORDON, Albemarle.
THOS. JEFF. RANDOLPH, Albemarle.
JAMES W. SHEFFEY, Smyth.

Woods was the only Western member who had the hardihood to father this call upon the mob. Gordon was Clerk of the House of Delegates. The time fixed was the day before that on which the ordinance was finally passed. A militia muster had been appointed for the same day as a part of the programme for terrorizing the Convention. Wise, the violent, is one of the signers of this paper, as befits him.

CORRUPTING THE CONVENTION.

For some time the conspiracy had been making swift progress. A correspondent wrote the *Philadelphia Press* from Washington the latter days of March that the secession conspirators had sent agents all through Virginia to

promote secession; that every kind of offer had been made to leading Union men in the Convention to unite in a coup d'etat, and "some in whom great confidence had been placed have yielded to these inducements." Proffers had been made to make Norfolk the great port of the Southern Confederacy; "and an organized plan is undoubtedly on foot," added the writer, "to seize Fortress Monroe." It was not generally known but early in the year the garrison in Fortress Monroe had been reduced to two companies. A Washington despatch to a New York paper April 1st regarding the Virginia Convention, said: "All information agrees in representing that a decided reaction has occurred and that the Union sentiment is rapidly losing ground in all parts of the State which have hitherto been opposed to the revolutionary movement in any form." This was more apparent than real, the appearance being created by the great activity of secession emissaries throughout the State.

PRESIDENT LINCOLN TRIES TO GET IN TOUCH.

Before coming to the culmination, let us notice with some particularity an incident connecting with the Convention so interesting and important that no account of that body would be complete without it. This was the effort made by President Lincoln to get before the Union element in the Convention a proposition that they adjourn the Convention and go home, he on his part undertaking to remove the *casus belli* in Charleston Harbor by the evacuation of Sumter. President Lincoln clearly connecting the peril of having this Convention in session with the peril in Charleston Harbor, hoped to get rid of both at one stroke.

The facts were brought out in the investigation made at Washington by the Joint Committee on Reconstruction in February, 1866, in the testimony given by John F. Lewis, a member of the Convention from Rockingham County; that given by John B. Baldwin, a member from Augusta County, and that by John Minor Botts.

Mr. Lewis was one of the few Unionists in the East who never struck their colors. He voted against the ordinance of secession and was the only member east of the Alleghenies who did not sign it. He was threatened with hanging, and at one time thought the threat might be executed. Note what Mr. McGrew says about him in a subsequent chapter.

Baldwin went to the Convention as a Union man and kept up his professions till the ordinance had passed. He then signed it and was given a commission in the Confederate military service, was sent to the Confederate Congress, in which he occupied a seat throughout the war and at the same time, by special dispensation held a commission as Colonel. It will appear in the course of what is to be related that he had earned these distinctions.

"AN ORIGINAL UNION MAN."

When he testified, being asked if he was "an original Union man," he replied: "The most thorough-going I ever knew." In the course of his testimony he said he had never believed in the right of secession, didn't believe in it now; "always looked upon the whole thing as an absurdity and humbug. I always believed," he said, "as a question of law, right and power, the Government had a

right to hang Jeff Davis and me too. I was not a Secessionist," he added; "I was a rebel." Since when, the committee ought to have asked him? When he was posing as such a "thorough-going" Union man?

Mr. Botts was one of the Unionists whose Unionism would wash; the quality of his loyalty, like the quality of mercy, was "not strained."

TREACHERY OF GEORGE W. SUMMERS.

From the testimony of these three appear the following facts. About the beginning of April President Lincoln sent a messenger to George W. Summers to ask him to come to Washington as he had an important matter to communicate; requesting him, further, if he could not come to send some trustworthy Union man in his place. Mr. Lincoln had once been associated with Summers in Congress and knew him as perhaps the ablest man in public life in Virginia and as the reputed champion of the Union cause in the Convention. Mr. Summers did not go; nor did he make any reply to Mr. Lincoln's message.

SENDS A TRAITOR TO THE PRESIDENT.

After some delay he sent John B. Baldwin; who went without any credentials from Summers, reached Washington April 4th, presented himself to Mr. Seward as having come from Mr. Summers in response to the President's message to him; was accompanied by Mr. Seward to the White House and introduced in a whisper to President Lincoln, who was surrounded by visitors, simply as "Mr. Baldwin of the Virginia Convention." The President

· knowing Mr. Baldwin must have come from Summers and not doubting his sympathy with the object sought, received him cordially, and taking him into a private apartment locked the door against possible intrusion.

STORY TOLD BY BALDWIN.

According to Mr. Baldwin's statement, the first thing the President said to him was: "Mr. Baldwin, I am afraid you have come too late; I wish you could have been here three or four days ago." Then he said: "Why do you not adjourn the Virginia Convention?" "Adjourn it?" said Mr. Baldwin. "How? Do you mean *sine die*?" "Yes," said the President, "*sine die*. Why do you not adjourn it? It is a standing menace to me which embarrasses me very much." Mr. Baldwin did not claim to quote the precise language.

COULDN'T THINK OF IT.

Mr. Baldwin expressed his surprise. "The Virginia Convention," he said, "is in the hands of Union men; we have in it a clear and controlling majority of nearly three to one; we are controlling it for conservative results; we can do it with perfect certainty if you will uphold our hands by a conservative policy here. I do not understand why you want a body thus in the hands of Union men to be dispersed, or why you should look upon their sessions as in any respect a menace to you; we regard ourselves as co-operating with you in the objects which you profess to seek. Besides, if we were to adjourn *sine die*, leaving these questions unsettled, it would place the Union men

of Virginia in the attitude of confessing an inability to meet the occasion; the result would be that another Convention would be called as soon as the Legislature could be put through for the purpose, * * * and the Union men of Virginia could not with proper self-respect offer themselves as members of that Convention, having had the full control of one and having adjourned without having brought about any sort of settlement of the troubles upon us.

"And, sir, it is but right for me to say one thing to you, that the Union men of Virginia, of whom I am one, would not be willing to adjourn that Convention until we either effect some settlement of this matter or ascertain that it cannot be done."

Mr. Baldwin proceeded expansively to tell the Committee what he had said to Mr. Lincoln. The Chairman at length asked him what plan he had proposed for such a settlement. Mr. Baldwin's plan had been a conciliatory proclamation and a call for a National Convention "to come together and settle this thing."

He said the President had "said something about the withdrawal of the troops from Sumter on the ground of military necessity;" that he had replied that would never do, that if he had intended to hold the Fort he ought to have strengthened it and made it impregnable; that to hold it in the present condition of the force there was "to invite assault." "Go upon higher ground," said Mr. Baldwin. "The better ground is to make a concession of an asserted right in the interest of peace." * * * "If you do not take this course, if there is a gun fired at Sumter—I do not care on which side it is fired—as sure as there is a

God in heaven, the thing is gone! Virginia herself, strong as the Union majority in the Convention is now, will be out in forty-eight hours." * * * "And I wish to say to you, Mr. President, with all the solemnity that I can possibly summon, that if you intend to do anything to settle this matter, you must do it promptly. I think another fortnight will be too late."

All this according to Mr. Baldwin, who seemed to remember voluminously what he had said to the President but had a very meager recollection of what the President had said to him.

Being asked if Mr. Lincoln had made "no pledge, no offer, no promise of any sort," Mr. Baldwin replied: "I was about to state that I have reason to believe that Mr. Lincoln has himself given an account of this conversation which has been understood—but I am sure misunderstood—by the persons to whom he talked as giving the representation of it that he had offered to me that if the Virginia Convention would adjourn sine die he would withdraw the troops from Sumter and Pickens. I am as clear in my recollection as it is possible to be under the circumstances that he made no such suggestion, as I understood it, and said nothing from which I could infer it." Later Mr. Baldwin was asked this question and gave the answer quoted:

Question.—You think you cannot be mistaken when you say that Mr. Lincoln did not assure you in any form that it was his purpose to withdraw the garrison from Sumter and Pickens at that time?

Answer.—Of course, I would not be willing to say if I heard that Mr. Lincoln had given a different representation of it that it was impossible he should have done so. I have no reason to

believe that Mr. Lincoln was a man capable of intentional misrepresentation in a matter of that sort; therefore, I would not, of course, undertake to say that it was impossible he could have intended to convey that impression. If I were certified Mr. Lincoln had said he intended to give me that impression, I should be bound to concede it, although at the same time I would be bound to say that the idea never occurred to me and that when I first heard that such an idea had been suggested, I was as much surprised as I was ever in my life.

WHAT LINCOLN TOLD BOTTS.

April 15, 1866, five days after the examination of Mr. Baldwin, Hon. John Minor Botts was examined by the Committee. Regarding the Summers-Baldwin episode, he stated that April 7, 1861, Sunday, he was in Washington and received a note from President Lincoln inviting him to call. He spent the evening, from seven to eleven, with Mr. Lincoln, and in the course of the conversation the President told him of his message to Summers and his interview with Baldwin. As Mr. Botts repeated to the Committee what Mr. Lincoln had told him, the President's first words to Mr. Baldwin were: "Ah, Mr. Baldwin, why did you not come here sooner? I have been waiting and expecting some of you gentlemen of the Convention to come to me for more than a week past. I had a most important proposition to make to you. I am afraid you have come too late. However, I will make the proposition now." Mr. Lincoln then recited the situation in Charleston Harbor—Anderson there with eighty men and provisions only till a certain date near at hand. He had sent a messenger to Governor Pickens asking him to allow Major Anderson to buy his marketing in Charleston, or if he objected to men from Sumter landing, that he would have

marketing sent to the Fort. In this case he would not try to provision the Fort; otherwise he would send an unarmed ship with provisions, accompanied by an armed fleet, the fleet not to enter the harbor unless the provision vessel should be fired on; but if it were, to enter the harbor and protect it. "Now, Mr. Baldwin," said Mr. Lincoln, "that fleet is lying in New York Harbor and will be ready to sail this afternoon at five o'clock; and although I fear it is almost too late yet I will submit, any way, the proposition I intended when I sent for Mr. Summers. Your Convention has been sitting now nearly two months and all they have done has been to shake the rod over my head. You have recently taken a vote in the Convention on the right of secession, which was rejected by 90 to 45, a majority of two-thirds, showing the strength of the Union party in that Convention; and if you will go back to Richmond and get that majority to adjourn and go home without passing an ordinance of secession, so anxious am I for the preservation of the peace and to save Virginia and other border States from going out, I will take the responsibility of evacuating Fort Sumter and take the chance of negotiating with the Cotton States which have already gone out."

"Well," said Mr. Botts, "how did Mr. Baldwin receive that proposition?"

Raising his hands, Mr. Lincoln replied: "He would not listen to it for a moment; he hardly treated me with civility. He asked me what I meant by an adjournment. Did I mean an adjournment sine die? 'Why, of course. Mr. Baldwin, I mean an adjournment sine die. I don't

mean to assume such a responsibility as that of surrendering that Fort to the people of Charleston upon your adjournment and then for you to return in a week or ten days and pass your ordinance after I have given up the Fort.' "

Mr. Botts felt very much incensed that Mr. Baldwin should have rejected such a proposition, and asked if the President would authorize him to make that proposition to the Union men of the Convention? He would guarantee with his head that they would adopt it.

"O," said Mr. Lincoln, "it is too late; the fleet has sailed and I have no means of communicating with it."

Mr. Botts then asked if he might mention the circumstances for the effect on public opinion in Virginia and elsewhere? "Not just now, Botts; later you may," replied the President.

BOTTS TELLS LEWIS.

Mr. Botts returned to Richmond on the 15th; and on the evening of the 16th--his house being a sort of headquarters for the Unionists of his kind--a number of gentlemen were there, among them John F. Lewis, and to him he mentioned, in a rather private way, the circumstances of his interview with President Lincoln about Mr. Baldwin's visit, Mr. Lincoln's proposition and Mr. Baldwin's rejection of it. He asked Lewis if he had heard anything of this. Mr. Lewis was surprised. He said he had not heard a word, and did not believe it. "How did you," he said, "take any more than I was not at all surprised that you were so much surprised, and that Mr. Baldwin had taken

upon himself such a responsibility as to have rejected that proposition or to have withheld it from his Union colleagues in the Convention, who would most gladly have adopted it; and if you do not object I would like to ask Mr. Baldwin about it."

"So far from my objecting," replied Botts, "I prefer that you would ask him, as you have intimated a doubt as to the veracity of Mr. Lincoln."

Next morning before Mr. Botts was out of bed, Lewis came to his room and told him he had seen Baldwin, who had acknowledged to him that the proposition was made, and that upon Lewis telling him he felt very much concerned that he should have taken such a responsibility upon himself, Baldwin had said he would like to see Botts and make "an explanation on the subject and the reason why he had rejected it." Further, Lewis added that Mr. Baldwin had consented to come up there with him immediately after breakfast.

Soon after Mr. Botts' breakfast, Lewis and Baldwin were announced. Mr. Botts went into the front room and Mr. Lewis said, in the presence of Mr. Baldwin: "Well, Mr. Botts, Mr. Baldwin has come up here to make some explanation to you about the circumstances connected with his conversation with Mr. Lincoln and why he declined to accept the proposition."

"Well," said Botts, "Mr. Baldwin, is it true that Mr. Lincoln did propose to you that if the Convention would adjourn and go home without passing an ordinance, he would evacuate Fort Sumter?"

"Yes," said Mr. Baldwin, "he did."

"My God," said Botts, "Why did you reject such a proposition as that?"

The only answer Mr. Baldwin made was by taking out his watch and saying: "It only wants twenty minutes of the hour of meeting of the Convention, when a most important vote is to be taken" (which Mr. Botts knew to be the vote on the ordinance of secession). "I am obliged to be there punctually at the hour and I have not time to make the explanation I desire, but I will avail myself of the earliest opportunity to make a full explanation of the whole of it."

"From that time to this," adds Mr. Botts, "I have not laid my eyes on Mr. Baldwin, nor have I heard any explanation from him, nor have I had directly any communication from him."

Mr. Botts further stated in his testimony that Governor Peirpoint, and he thought one other gentleman, whose name he could not recall, had told him Mr. Lincoln had made the same statements to them as to him regarding his interview with Mr. Baldwin. Peirpoint said Mr. Lincoln had told him Baldwin had demanded also the evacuation of Fortress Monroe.

LEWIS CONFIRMS BOTTS.

Mr. Botts' account of this matter is confirmed by the testimony of John F. Lewis, taken by the Committee before either of the others, on the 7th of February.

The following is a part of Mr. Lewis' statement:

I went to the house of John Minor Botts, in Richmond, on the 16th of April, 1861, and he informed me he had been in Washington a few days before and had had an interview with Mr.

Lincoln, in which interview Mr. Lincoln informed him that he had sent a special messenger to Richmond for George W. Summers to come to Washington; and in the event of his not being able to come, to send some reliable Union man to consult with him on important matters. Mr. Summers from some cause or other did not go but sent John B. Baldwin, of Augusta County, Virginia. Mr. Lincoln informed Mr. Botts that he had made this proposition to Colonel Baldwin: that if that Convention would adjourn without passing an ordinance of secession, he (Mr. Lincoln) would take the responsibility of withdrawing the troops from Fort Sumter. Colonel Baldwin declined to accede to it, and no such proposition was ever made or communicated to the Convention. Next morning, I took Colonel Baldwin to the house of Mr. Botts, who told him he was informed such an interview had taken place. Colonel Baldwin did not deny it. In answer to Mr. Botts' question, how in the name of God he could take the responsibility of withholding the knowledge of such an interview from the Convention, Colonel Baldwin remarked that it was then near the hour for the meeting of the Convention, and he was compelled to be there, but would see him again. No such communication was ever made to the best of my knowledge and belief to any large portion even of the members of the Convention, and a large number of them are to this day ignorant of the fact.

ONLY THREE MEN IN RICHMOND KNEW.

Mr. Lewis' colleague in the Convention, who roomed with him, was Algernon S. Gray, an intimate friend of Baldwin. Mr. Lewis told Botts that the night of the 16th of April after his return from Botts' house, he mentioned to Mr. Gray Baldwin's visit to the President, the proposition made to him by Mr. Lincoln and his rejection of it. He says Mr. Gray exhibited extraordinary surprise. "Where in the world did you get that from?" he said springing out of bed. Mr. Lewis replied that Mr. Botts had just returned from Washington where the facts had

been communicated to him by the President, and Botts had told him that night. Mr. Gray replied: "I did not suppose there were more than three men in the city of Richmond who knew of it." This could have but one possible meaning—that Summers, Baldwin and Gray were the three.

Mr. Lincoln did not communicate the matter to the cabinet or the public, doubtless feeling deeply chagrined that in taking so great a responsibility he had met with treachery and failure.

PEACE OR WAR?

Sometime before this the Convention appointed a committee to wait on President Lincoln to ask what were his intentions toward the seceded States. William Ballard Preston, who later offered the ordinance of secession, "Sandy Stuart," who had been an old whig and had tried to be a Unionist, and George W. Randolph, who had beaten Botts for the Convention and became the Confederate Secretary of War, were the committeemen. The committee were directed to ask the President "to communicate to this Convention the policy which the authorities of the Federal government intend to pursue in regard to the Confederate States." The preamble set forth that "the uncertainty in the public mind as to the policy the government intends to pursue towards the seceded States is extremely injurious to the commercial and industrial interests of the country."

Mr. Carlile, when the resolution was offered, moved to insert, as having an equally injurious uncertainty, "the

policy the seceded States intend to pursue towards the general government." This was rejected, of course, as was also his further motion that a committee be appointed "to wait on the seceded States and report to the Convention what policy they intend to pursue towards the general government." In opposing the resolution, General Jackson, of Wood, said that "under no circumstances would he or his constituents consent to relinquish the stars and stripes and join with South Carolina." This declaration produced excitement amongst the conspirators. Montague of Middlesex followed, commenting upon "the singular declaration of the venerable gentleman from Wood." He called upon Eastern men to take note of it.

WHAT LINCOLN TOLD THE COMMITTEE.

The committee presented themselves to Mr. Lincoln the day after the firing on Sumter, when they felt confident they would get the answer they wanted. It is not strange they got it. Mr. Lincoln referred them to his inaugural address as the best possible exposition of his purposes. "As I said then I now repeat," he told them, "'The power confided to me will be used to hold, occupy and possess property and places belonging to the government and to collect the duties on imports; but beyond what is necessary for these objects, there will be no invasion, no use of force against or among the people anywhere.' But," he added, "if in the pursuit of a purpose to drive the United States authorities from these places (military posts and property) an unprovoked assault has been made on Fort Sumter, I shall hold myself at liberty to repossess it if I

can and like places which had been seized before the government was devolved upon me; and, in any event, I shall to the best of my ability, repel force by force." He reaffirmed the entire inaugural address; and with this decisive answer, the committee went back to Richmond to help precipitate secession.

ORDINANCE OF SECESSION PASSED.

The day the committee had their interview with the President, was issued his proclamation calling for 75,000 men. This convergence of events furnished what the conspirators had been waiting for. The ordinance of secession was introduced, in secret session, the following day. It was entitled "An Ordinance to Repeal the Ratification of the Constitution of the United States of America by the State of Virginia and to resume all the rights and powers granted under the said Constitution." One day later, April 17th, still in secret session, the ordinance was passed. The body of the ordinance was the following:

Now, therefore, we, the people of Virginia, do declare and ordain that the ordinance adopted by the people of this State in convention on the 25 day of June, 1788, whereby the Constitution of the United States of America was ratified, and all acts of the General Assembly of this State ratifying and adopting amendments to said Constitution, are hereby repealed and abrogated; that the union between the State of Virginia and the other States under the Constitution aforesaid is hereby dissolved, and that the State of Virginia is in the full possession and exercise of all the rights of sovereignty which belong to a free and independent State. And they do further declare that the said Constitution of the United States is no longer binding on any citizen of this State.

It was stated by John B. Baldwin, in the testimony previously quoted from, that he understood the original of this ordinance was then in possession of the government, having been taken at the time Richmond was captured in the Spring of 1865.

The vote on the ordinance of secession, with complete list of the convention, will be found in the chapter contributed by Mr. McGrew. Of the Western members voting against the ordinance, Haymond of Marion, Price of Greenbrier, and Berlin of Upshur, recanted, went back to Richmond and cast their fortunes with the Confederacy.

A DOOR LEFT OPEN.

That there might be no question about their right to secede from the Confederacy in the (probable) event they should want to, the Convention, on the motion of "Sandy" Stuart, put into the ordinance ratifying the Confederate constitution the following:

In adopting this constitution, Virginia reserves to herself the right to withdraw whenever its powers are perverted to her injury, of which she alone shall be the judge.

THE REIGN OF TERROR.

Describing the mob violence and terror reigning at Richmond just before the passage of the ordinance of secession, George McC. Porter, member from Hancock County, in a speech at Wheeling May 5th, said:

After the attack on Sumter, the mob in Richmond seized the artillery. They ran howling through the streets. They broke through the doors of your State house. They tore down



GEORGE MCC. PORTER.

the stars and stripes and hoisted in its place the flag of the Confederate States. The ordinance of secession was passed. The injunction of secrecy is upon every member. I can only say that it passed—and one thing more, which you doubtless already know, that I did not vote for it. I would have suffered this right arm to be cut off before I would have signed that ordinance.

Speaking of the committee sent to the President to demand whether he meant peace or war, Mr. Porter said:

As the committee left for Washington, Roger A. Pryor left for Charleston, where he told the Secessionists they must strike a blow and Virginia would go out "in one hour by Shrewsbury clock." Pryor knew, and those who appointed the committee

knew, that when Sumter was attacked the government would be justly incensed and the President would give them an unsatisfactory answer.

Pryor, in his speech at Charleston, said: "Do not distrust Virginia. * * * I will tell you, gentlemen, what will put her in the Southern Confederacy in less than 'an hour by Shrewsbury clock'—strike a blow! The very moment that blood is shed, Old Virginia will make common cause with her sisters of the South!"

Chester D. Hubbard, one of the Wheeling members, who followed Mr. Porter, said he also witnessed the tearing down of the flag and other acts of violence. He called upon Thomas Sweeney, who had been at Richmond at the time and was present, for his testimony to the violence described. "The mobs were composed of as scabby a looking set of roughs as I ever saw in my life," said Mr. Sweeney, "and they had things pretty much their own way." Mr. Sweeney denied that he was a Disunionist. He "stood where he had always stood," and denounced the usurpation unsparingly.

Ephraim B. Hall, a member of the Convention from Marion, spoke to a mass-meeting at Fairmont May 6th. Among other things he said:

The genuine Union men did not constitute more than one-third of the Convention. A tremendous outside pressure was brought to bear to dragoon us into the measures of the Secessionists. We were subjected to all sorts of insults. We were hissed at and groaned at. The galleries were brought to bear on us whenever any man dared utter a sentiment for the Union. Some of us were spit upon. We were told we would be driven out at the point of the bayonet. I come before you to-day with the Commonwealth's seal upon my mouth. (Cries "Take it

off!") And when it was found we were not to be driven by ordinary means, you know what followed. We were finally forced into secret session. I remonstrated, but to no purpose. They told us that before the Convention adjourned the injunction of secrecy would be removed and they would retain a reporter and keep an accurate record of the proceedings. They refused to remove it.

At the same mass-meeting, John S. Burdett, member of the Convention from Taylor, was one of the speakers. He, too, testified to the mob fury which had assailed the members of the Convention who were against secession. When Burdett rose to speak, he was greeted with derisive cries of "John Brown!" He had said in a speech at Grafton that Wise was a worse man than John Brown. "I would rather be John Brown" he now responded "than Benedict Arnold." He told the men who were hooting him that they were "blackguards—off the same piece with the ruffians who tried the same game at Richmond, where there were seventeen hundred assembled to intimidate the Convention, not one of whom paid taxes, nor paid his board while there. Within an hour," he continued, "after the ordinance had passed, a mob of seventeen hundred of just such chaps as these were in the capitol grounds. They went to the arsenal, got out the cannon and paraded around the capitol. We adjourned and went to our boarding-houses to get away from the mob. I felt for the first time, when I saw them break down the doors of the capitol and tear down the flag, how deeply disgraced was the ensign of the Nation. A portion of this dirty mob, with a rope in their hands, went to the boarding-house of Mr. Carlile." Mr. Burdett had previously written from Richmond: "Carlile's boarding-house was surrounded last

night by a mob, who had with them a rope with which to hang him. They called for him and were loud in their threats of vengeance."

In reference to the reign of terror in and around the Convention at this time, Mr. Willey, member from Monongalia, some years afterward wrote this graphic description of the crisis:

During the progress of the bombardment of Fort Sumter, the excitement in Richmond and in the Convention was intense. Bonfires and illuminations blazed high in the streets and public squares; the national flag was torn from its place over the dome of the capitol and trampled under the feet of an infuriated mob. Stores and public places were closed and the populace sought the streets to give vent to their feelings. Strangers rushed to the city from all parts of the State and helped to swell the throngs. Many who had come in advance of the call to meet on the 16th of April assembled together in a large hall and sat with closed doors. No ingress could be obtained to the sessions of this mysterious body. The Convention went into secret session. The scenes witnessed within the walls of that room, as detailed by members, have no parallel in the annals of ancient or modern times. On the morning of the 17th, Mr. Wise, the member from Princess Anne, rose in his seat and drawing a large Virginia horse-pistol from his bosom laid it before him, and proceeded to harangue the body in the most violent and denunciatory manner. He concluded by taking his watch from his pocket and, with glaring eyes and bated breath, declared that events were now transpiring which caused a hush to come over his soul. At such an hour, he said, Harper's Ferry and its armory were in possession of Virginia soldiers; at another period the Federal navy-yard and property at Norfolk were seized by troops of the State.

It was then that the Union members saw the object of the other assemblage, which had sat with closed doors from its beginning and whose concealed hand, seizing the reins of government, had left them the form without the power to resist.

Three months before, a private letter from Richmond, written January 14th, had said:

It is threatened here that unless the Convention to meet will act to suit the views of the "Minute Men," the latter will seize upon this city and inaugurate a State revolution.

How these things all come together, like the stones in the temple! The "Jacobin clubs" forecast by John J. Davis in the *Clarksburg Guard*; the "Minute Men" here referred to; the ruffians enrolled in this revolutionary organization, summoned from all parts of the State by secret circular; John Goode's "convention of the people" sitting behind locked doors in the Metropolitan Hall, using the State executive as an instrument to precipitate war—dispatching State troops, seizing government property, threatening and overawing the Convention, sending messengers to Charleston to tell Governor Pickens to fire on Sumter to force the President's hand and compel the Convention to act—it is a panorama of conspiracy and violence unsurpassed in modern times!

LEVYING WAR.

The day following the passage of the ordinance of secession, the powers in control at Richmond—it does not clearly appear whether the orders emanated directly from the Governor or from the Jacobin body sitting in Metropolitan Hall, who had seized the reins as they were seized by the revolutionary sections in Paris in the days of Danton and Marat—began war against the United States by seizure of Harper's Ferry, of the Federal buildings in Richmond, Norfolk and Portsmouth; by sinking vessels in the Elizabeth River to prevent escape of United States

ships lying at or near Gosport Navy Yard; and by the attempted capture of war and naval material at Gosport. An order was next day wired to Wheeling to take possession of the United States Custom House there, but was not executed. At Harper's Ferry, the garrison destroyed nearly all the property which could have served the rebels; at Gosport, millions of material was burned, including ships at anchor, to prevent its falling into their hands. The spoil at Harper's Ferry was limited to a few thousand muskets, mostly flint-locks; of which, by Letcher's order to General Kenton Harper, 5,000 were sent to the rebel "Plug-Uglies," General Stewart's militia, in Baltimore. General Butler captured there several boxes of them marked "Arsenal and Armory, Harper's Ferry."

It was the knowledge that these expeditions were on the way which caused a "hush" to come over the "soul" of Wise as he stood in the Convention with doors locked against the public, a horse-pistol lying before him, timing the expeditions, watch in hand, and telling Union members that the die was cast.

The rebel mortification over their failure to secure more plunder finds expression in Pollard's "Southern History," where this destruction of Government property to save it from falling into the hands of its enemies is denounced as "acts of vandalism."

LEAGUE WITH THE CONFEDERACY.

Under both the act of assembly and the schedule to the ordinance of secession, the ordinance was not to take effect till submitted and ratified at the polls, May 23d. Yet

seven days after the ordinance was passed, the Convention, still in secret session, entered into a league with the Confederate States whereby all the purpose and effect of the ordinance was accomplished at once. It was a coup de main. There was no waiting for popular ratification. The terms of the secret league provided that pending the adoption of the permanent Confederate constitution—that is, instantly—the entire military forces and operations of Virginia “in the impending conflict with the United States” should be put under control of the President of the Confederacy, upon the same footing as if Virginia had already become a member of that government. After this, with Confederate soldiery in absolute control, instituting a reign of terror in three-fourths of the State, the form of going through an election on the question of ratifying the ordinance was a mockery.

ACTS OF WAR.

John Minor Botts told the Joint Committee on Reconstruction, after reciting the overt acts of war—the seizure of Harper’s Ferry, and of the Federal buildings at Richmond and Norfolk, the obstruction of the channel in Elizabeth River, and the introduction of a large number of troops from other Southern States, making a general camping ground throughout Eastern Virginia, that the conspirators

FORCING RATIFICATION

Then very quietly turned to the people, when they had to vote on the ordinance, and said: “Now, we are involved in war and the rejection of the ordinance will not stop the war; so you can vote for the ordinance of secession or against it, as you like. But, in the language of the Emperor Napoleon’s friends,

'we advise you to vote for' it." * * * The people found it would be utterly useless and at the same time extremely dangerous for them to exercise the privilege of freemen; and there was a general and almost universal acquiescence in what they could not prevent. * * * I have never seen the vote, nor have I seen anybody who has seen it. I have no doubt that a large majority of those who did vote voted for the ordinance; but whether that vote constituted a majority of the legal voters of the State I have never had any means of ascertaining. I know that the vote against it was very small, because the city of Richmond, which had given me some 1,700 or 1,800 votes against my competitor, and could therefore, I suppose, have given some 1,500 or 1,600 against the ordinance of secession, actually gave only two votes against it. To illustrate the farce and mockery of the vote taken at that time, I will mention that there were assembled at that time a large body of troops at and around Norfolk, among them a regiment then commanded by Col. Roger A. Pryor. This regiment was composed principally, if not entirely, of Union men, and when it was found they were voting against the ordinance they were disbanded and not allowed to vote.

MASONIC COERCION.

It further illustrates the kinds of pressure exerted east of the mountains to force the ratification of the ordinance of secession to give place to the following letter published by ex-Senator James M. Mason:

Winchester, Virginia, May 16, 1861.

To the Editor of the *Winchester Virginian*:

The question has been frequently put to me, What position will Virginia occupy should the ordinance of secession be rejected by the people at the approaching election? And the frequency of the question may be an excuse for giving publicity to the answer.

The ordinance of secession withdrew the State of Virginia from the Union, will all the consequences resulting from the separation. It annulled the Constitution and laws of the United States within the limit of this State and absolved the citizens of Virginia from all obligations of obedience to them.

Hence it follows, if this ordinance be rejected by the people, the State of Virginia will remain in the Union and the people of the State will remain bound by the Constitution of the United States, and obedience to the government and laws of the United States will be fully and rightfully enforced against them.

It follows, of course, that in the war now carried on by the government of the United States against the seceded States, Virginia must immediately change sides, and under the orders of that government turn her arms against her Southern sisters.

From this there can be no escape. As a member of the Union, all her resources of men and money will be at once at the command of the government of the Union.

Again: for mutual defence, immediately after the ordinance of secession passed, a treaty or "military league" was formed by the Convention in the name of the people of Virginia, with the "Confederate States" of the South, by which the latter were bound to march to the aid of our State against the invasion of the Federal government. And we have now in Virginia, at Harper's Ferry and at Norfolk, in face of the common foe, several thousand of the gallant sons of South Carolina, of Alabama, of Louisiana, Georgia and Mississippi, who hastened to fulfill the covenant they made, and are ready and eager to lay down their lives, side by side with our sons, in defence of the soil of Virginia.

If the ordinance of secession is rejected, not only will this "military league" be annulled, but it will have been made a trap to inveigle our generous defenders into the hands of their enemies.

Virginia remaining in the Union, duty and loyalty to her obligations to the Union will require that those Southern forces shall not be permitted to leave the State, but shall be delivered up to the government of the Union; and those who refuse to do so will be guilty of treason, and be justly dealt with as traitors.

Treason against the United States consists as well "in adhering to its enemies and giving them aid" as in levying war.

If it be asked, What are those to do who in their consciences cannot vote to separate Virginia from the United States? the answer is simple and plain. Honor and duty alike require that they should not vote on the question; and if they retain such opinions, *they must leave the State.*

None can doubt or question the truth of what I have written, and none can vote against the ordinance of secession who does not thereby (whether ignorantly or otherwise) vote to place himself and his State in the position I have indicated.

J. M. MASON.

VOTE ON "REFERENCE."

In the paper written by John Goode, before referred to, he claims the popular vote on the ratification of the ordinance was 125,950 for and 20,373 against. "It is proper to say" Mr. Goode remarks "that the vote in opposition was cast principally in the Northwestern counties, whose members had voted against the ordinance in the Convention and which subsequently formed the new State of West Virginia"—the only counties, Mr. Goode might have added if he had cared to tell the whole truth, in which men dared vote against ratification. Mr. Goode's figures, however, appear to be incorrect. The vote as announced in the Convention June 25, 1861, was: For ratification, 128,884; against, 32,134. These figures will also be found in the American Cyclopaedia. This made a total vote of 161,018; majority, 96,750. It is not probable that these are honest figures. The Presidential vote in Virginia the previous November had been 167,223. Under the conditions prevailing, it is impossible to believe so nearly the whole vote of the State was cast on the ordinance. The conspirators had full control of the returns and could cook the result to suit themselves. Up to the time Mr. Botts testified, it would seem the figures had not been given out. Whatever the vote may have been, it was not, save in those western counties within the Union lines, an unconstrained expression. In no other part of the State could the voter

afford to vote openly against. He was as effectually muzzled as if he had had a bayonet at his throat, where this was not the literal fact.

After the consummation of that league, nothing that was or could have been done by legislative bodies or executive at Richmond could have a feather's weight in force of law. Conspiracy had become insurrection and was in the saddle. The day after the league was consummated the Convention ratified the constitution of the Confederate States and chose five commissioners to the Confederate Provisional Congress, among them Gideon Draper Camden, formerly circuit judge at Clarksburg.

The members of the Convention who consummated the "league" with the Confederacy were: John Tyler, William Ballard Preston, Samuel McDowell Moore, James P. Holcombe, James C. Bruce and Lewis E. Harvie. Vice-President Stephens was the commissioner for the Confederacy.

TEOOPS REFUSED.

The quota of Virginia under the President's call was 2,340. Letcher sent this reply to the requisition:

I have only to say that the militia of Virginia will not be furnished to the powers at Washington for any such use or purpose as they have in view. Your object is to subjugate the Southern States; and a requisition made upon me for such an object—an object, in my judgment, not within the purview of the act of 1795—will not be complied with.

And he added: "You have chosen to inaugurate Civil War."

PRESIDENT'S CALL DID IT.

Mr. Summers declared at Wheeling in 1863 that it was the President's call for troops which was the cause of the Virginia secession; but he did not mention how carefully everything had been planned—even with some assistance from him—to force the President to issue this call. Said Mr. Summers:

It was not the firing on Sumter that carried Virginia out. During the days of that bombardment, and almost every hour, the wires bringing us messages from Montgomery—especially to Ex-President Tyler from his son, who was acting in some official capacity down there—how steady and firm we went on, vote after vote, in that convention, under the constant announcement of this bombardment, its success and final triumph. No man did give way—our majority still between thirty and forty upon every resolution. The Union men—those elected as Union men—who ultimately gave way did not give way upon the ground that Fort Sumter had been attacked. They knew full well that that attack came from the other side; that it was wrong—wholly indefensible. The pretext for the secession was the proclamation of President Lincoln, which they chose to announce and act upon as a declaration of war.

Let it be remarked that this hypothetical Union majority, of which Mr. Summers speaks, was a delusion and a snare. The event showed what it was worth. John B. Baldwin, Mr. Summers' intimate and confidential, was a fair sample of the material composing it. When Baldwin told Mr. Lincoln he had only a fortnight to choose between peace and war by evacuating Sumter, he knew what he was talking about. Did not Summers, who sent him to Mr. Lincoln without consulting with a single Union member of the Convention, know equally well? Pryor was sent to

Charleston to tell Governor Pickens to fire on the Fort because that would force the President to issue his call for troops; and this being done, the quasi-Unionists in the Convention were committed to vote for secession. "Virginia will go out in forty-eight hours," Mr. Baldwin told President Lincoln. "Virginia will go out 'in one hour by Shrewsbury clock'" said Pryor to the people of Charleston.

THE ANTICS OF WISE.

At Richmond, Henry A. Wise seems to have been the head devil. John F. Lewis says Wise was regarded as the head of the Secession party there at that time. Yet he even then made the pretense of being a Union man, and coming to Lewis' desk one day in the Convention he said: "You help me save the negro and I will help you to save the Union." After the surrender of Lee, he wrote a letter saying he had been convinced long before the close of the war that slavery was an evil, and that if the South had been successful he had intended to canvass the State for the abolition of slavery! In February, 1866, Wise told Col. Orlando Brown, a Massachusetts man, assistant commissioner of the Freedmen's Bureau, then resident in Richmond, that he had been "for the Union all through." "Had we succeeded," he said, "we would have shown you what the Union was." Further, he claimed that he had never fought for the Confederacy. "I never fought under the Confederate flag," he said. "It may have been carried in my brigade, but I have gone under the Virginia flag." "And," adds Colonel Brown, "he showed me his Virginia buttons, which he said he had worn all through the war."

ARMING AND DISARMING.

The significance of events, obscure in the midst of them forty years ago, is clearer now in the light of fuller information and in the perspective of distance. An enormous plot was known to be working throughout the South, with its most important centers at Richmond and Washington. Conspirators were in high places in the National government, betraying their trusts and using their powers and opportunities to plunder and disarm the government they meant to destroy. The head of the War Department was systematically removing government arms and munitions from Northern factories and arsenals to arsenals and forts in the South. As early as December, 1859, the Secretary of War ordered transferred from Springfield and Watervliet 105,000 muskets and 10,000 rifles to arsenals in South Carolina, Alabama and Louisiana. Between January 1, 1860, and January 1, 1861, he sold under color of law to sundry persons and States as "unsuitable for military service," 31,600 muskets. October 20, 1860, he ordered 40 columbiads and four 32-pounders sent from Pittsburgh to an unfinished fort at Ship Island, on the coast of Mississippi, and seventy columbiads and seven 32-pounders from same arsenal to a fort at Galveston, the building of which had scarcely been commenced! The attempted removal of these heavy guns from Allegheny Arsenal created intense excitement at Pittsburgh, where a monster mass-meeting assembled at call of the Mayor to protest against the shipment. Joseph Holt, of Kentucky, becoming Secretary of War, the order was countermanded before it had been fully executed. *The Mobile Advertiser*



BENJAMIN STANTON.

announced that during the year 135,430 muskets had been "quietly transferred from the Northern arsenal at Springfield alone to those in Southern States." "We are much obliged to Secretary Floyd," says the editor, "for the foresight he has thus displayed in disarming the North and equipping the South for this emergency." A report on this subject was made in the United States House of Representatives from the Military Committee by Hon. Ben. Stanton of Ohio (who spent the closing years of his life after the war in West Virginia). The report states that the Sardinian government desired to buy from 100,000 to 250,000 muskets "unsuitable for the military service of

the United States;" and that the Secretary of War agreed to make the sale, but after accepting the application, withdrew from it on plea of a misunderstanding as to the price, which Mr. Belknap, the agent, denied and which the Committee found no evidence of. Apparently Mr. Floyd had found more desirable customers at home.

JEFF DAVIS TRIES TO HELP.

The Secretary of War had no authority to issue standard arms to the States beyond their pro rata of the current appropriation for the purpose; but he did in 1860 issue to eight Southern States in advance their quotas for 1861. Jefferson Davis in January, 1860, introduced in the Senate a bill for the sale by the government of arms of standard pattern to States and Territories and for the appointment from the ordnance corps of superintendents of armories in place of the incumbent civilians. The bill passed the Senate by a party vote—the Democrats for, the Republicans against; but it failed in the House. If it had become a law, the operations of Mr. Floyd would have been on a much larger scale.

MISTAKEN CLEMENCY.

In recalling these and other incidents of National treachery and betrayal of trust, by which the government was stripped, disarmed and left "naked to its enemies," as preliminary to its destruction, one is constrained to doubt the wisdom of that almost maudlin clemency which refused to punish these unequaled criminals. Such a clemency towards those whose only offence was open and

honest (though mistaken) rebellion may have been justified by the highest political considerations; but what could justify the same magnanimity toward the villians who had foresworn themselves and who to the betrayal of National trusts had added treason in the highest places in the government?

VIRGINIA GETS A SHARE.

Virginia was a beneficiary of Secretary Floyd's treachery, as appears from Governor Letcher's message to the rebel Virginia Legislature in December, 1861. In this message Mr. Letcher says that on the 8th of January, 1861, the day after the meeting of the Assembly called together by him, he was in secret conference with other traitors (the word is mine, not his) over the question of seizing Fortress Monroe. "It is to be regretted," he observes, "that Fortress Monroe was not in our possession, that it was not as easily captured as the Navy Yard and Harper's Ferry. As far back as the 8th of January last, I consulted with a gentleman whose position enabled him to know the strength of that fortress, and whose experience in military matters enabled him to form an opinion as to the number of men that would be required to capture it. He represented it to be one of the strongest fortifications in the world, and expressed his doubts whether it could be taken unless assailed by water as well as land and simultaneously."

In another part of the message Mr. Letcher recites his operations through Secretary Floyd in the procurement of arms from the government, of whom he says he purchased for the State of Virginia 5,000 muskets, 13 Parrot

rifled cannon, and a large quantity of powder. He laments that he could not get 10,000 muskets more. "If we could have then purchased," he says, "all the arms which we desired to obtain, our State would have been in a better condition to repel the assaults of the Federal executive." The transfer of so many muskets to arsenals farther South may explain why there were only 5,000 left for Letcher. "For this struggle, so suddenly commenced," comments the Governor, "Virginia had for some time been making such preparations as her means enabled her to make. Although she was not so well prepared as was desirable, still she was better prepared than most of her Southern sisters—better prepared than any of them." "For some time anterior to the secession," continues Mr. Letcher, "Virginia had been engaged in the purchase of arms of different kinds, ammunition and other necessary articles, and in mounting artillery, in anticipation of the event which subsequently occurred."

What singularly wise prevision! Yet in his January message Governor Letcher had affected to deprecate the calling of a Convention. It was a game of secret treachery and false pretense all around. Mr. Davis before he made his forecast in the Clarksburg paper, must have been favored with a glimpse under some lifted curtain of things intended only for nocturnal eyes!

LETCHER "THE IGNOBLE."

After reading this avowal of Mr. Letcher's, it is impossible to have any respect for the claim made for him that he was a Union man at heart. He told this to Mr.

Burdett at his home in Lexington after the war, and Mr. Burdett is inclined to give him credit for sincerity; but if he had been what he claimed, he never could have played the traitorous part he did, much less have boasted of it. His own voluntary statements in his message show who it was that had "chosen to inaugurate Civil War." The *New York Times* expressed very uncomplimentary opinions of Mr. Letcher. It described him as "the ignoble;" as "false and cowardly," as "despised even among the people of Virginia;" "an abject tool in the hands of the usurpers." His own admissions seem to justify this estimate of him. As apparently related to the part Letcher was playing at this period, it may be mentioned that Senator "Jim" Mason wrote to a friend at Paris as early as February 20th, while he still held his seat in the Senate: "Arrangements have been made to secure the passage of an ordinance of secession in Virginia, and Washington will be seized at an early day."

VIRGINIA IN THE LEAD.

In the light of these disclosures, we see Virginia at the opening of 1861, though a large majority of her people were loyal to the United States, far in advance of all the other insurgent State governments in her preparation for the devil's dance of war. Her pretended attitude of peace-maker was only the cover for energetic preparations for hostilities. She had her "peace" commissioners at Washington amusing the country with talk about pacification; and even had the insolence to send a special committee to the President to demand of him whether he meant peace or war.

REWARD OF MERIT.

Wise said early in the Convention that "by all the gods" they "should have war." They did have war, to repletion. Before Appomattox came around, the appetite of the belligerent Mr. Wise and his fellow-conspirators who survived was fully sated. The crop they had sown to the gale of madness was a little slow in maturing, but it ripened at last and was reaped in the whirlwind. The punishment of Virginia for unfaithfulness to the teachings of her earlier statesmen was severe. One of her citizens, Charles Douglas Gray, of Augusta County, testifying before the Joint Committee on Reconstruction, being asked what was the appearance of the country which had been the arena of active operations, described the desolation in the Shenandoah Valley as follows:

From Harper's Ferry to Newmarket—which is about eighty miles—from one mountain to the other, the country was almost a desert. There were no fences. Speaking of the condition of the valley after General Sheridan retired, I described wheat-fields growing without any enclosure. Some one asked me whether the stock would not destroy the wheat? I said "Certainly, if General Sheridan had not taken the precaution of removing all the stock." We could cultivate grain without fences, as we had no cattle, hogs, sheep or horses, or anything else. The fences were all gone; some of the orchards were very much injured; but the fruit trees had not been, as a general thing, destroyed. The barns were all burned; a great many of the private dwellings were burned; chimneys standing without houses, and houses standing without roof, or door, or window. A most desolate state of affairs; bridges all destroyed, roads badly cut up. Large armies, whether friendly or hostile, are devouring animals. The damage was not all done by the Federals. The country from Alexandria to the Rapidan suffered perhaps as much as the Shenandoah Valley.

Another citizen of Virginia (Hotchkiss, of Staunton) has well summarized in an article in the *Encyclopedia Britannica* the ruin wrought in Virginia by the war:

The Civil War of 1861-65 was more disastrous in its consequences to Virginia than to any other State of the Union. From first to last, its territory was overrun; hundreds of battles and minor engagements took place within its borders, and all the destruction incident to gigantic military operations fell upon it. Tens of thousands of her best men were killed in battle. Its territory was dismembered and a third part of it cut off, while more than three hundred million dollars worth of property was destroyed in what remained.

WHEREIN THE CONVENTION FAILED.

In a last glance at this historic Convention, on whose edict turned events as fateful as ever hung on the greatest battles of the world, let us try to realize one aspect of it which has never anywhere been presented.

It was called at the instance of the conspirators, by a legislature thoroughly in sympathy with their purpose, with a view to throw Virginia into the projected revolution. The people of Virginia as a whole did not want a Convention for this or any other purpose; and in electing delegates, they chose a large majority on pledges against secession, by popular majorities aggregating near sixty thousand; and by like majorities voted to limit the powers of the Convention so that any dangerous action taken by it should be inoperative till ratified by popular vote.

When the delegates came together, it appeared that about two-thirds of them were for maintaining the Union. Backed by the great preponderance of Union sentiment

among the people of Virginia as expressed in their election, what had we a right to expect from these delegates? The whole secession plot in Virginia had been defeated—provided the victory were not thrown away; provided the citadel were not basely surrendered. We should have expected to see this majority, flushed with victory and feeling a high sense of their great opportunity and responsibility, proceed to organize the Convention in the interest of the Union cause against secession; and this being done, to adopt a declaration that inasmuch as the Convention had been called for an object to which the people of Virginia had declared themselves overwhelmingly opposed, and inasmuch as the Convention was not wanted for any other purpose, the proper and only thing for it to do was to adjourn sine die. This would have ended secession in Virginia. If the traitorous legislature had ordered another election for another Convention, they would have been beaten by a still larger majority. It needed only that the Union majority in the Convention should rise in a manly way to a realization of their strength and of their duty.

Instead of this, what do we see? The minority are allowed to organize the Convention, to control its machinery and shape its proceedings from first to last, in the interest of secession. An old man is elected President who, through either imbecility or treachery, gives fourteen out of twenty-one of the Committee on Federal Relations to the conspirators. This was the committee which gave direction and shape to the whole business of the Convention. The minority were permitted to bring in the rebel emissaries from the Cotton States to harangue the delegates and seduce them from their duty if they could. This

sovereign body representing the strength and dignity of the people of Virginia, was bullied and threatened by ruffians in its galleries, in the lobbies and in the street. From beginning to end the conspiring, fire-eating minority, with Wise at its head, took the aggressive and employed every element of intimidation to dragoon the majority; while this great imbecile majority accepted the attitude of apologists and were on the defensive from the first. Such Union men as Summers and Willey made pleading and pathetic speeches against secession, when all they had to do to make secession impossible was to muster their majority and adjourn the Convention! We may search the records of popular assemblages in vain to find anything so fatuous.

From their first day of victory down to the lamentable end, this Union majority, in their pitiable helplessness, stood in the Convention like a flock of frightened sheep, while the wolves raged around them, every now and then snatching one from their ranks, till their case became hopeless. At last there was no longer even the counterfeit of power to resist; and the helpless Unionists were forced into secret session; where, under intimidation of Wise's horse-pistol, of the conspirators in Metropolitan Hall, of the mobs in the streets, from distrust of one another, knowing their ranks were honey-combed with treachery—under Wise's announcement, too, that war operations had already begun—this proud Union majority, sent up to Richmond to protect the Commonwealth against the possibility of such a catastrophe, made their final surrender!

It is a spectacle long to be remembered—long to be deplored; to be explained as best it may.

CHAPTER VII.

THE NORTHWEST CONFRONTS THE CRISIS.

HER DELEGATES WITHDRAW.

The night following the passage of the ordinance of secession, Messrs. Hubbard, Clemens, Carlile, Tarr, Dent and Burdett, of the Northwestern members, seeing that further resistance in the Convention was impossible, that the sooner they got home and warned their people the better, and that their personal liberty was no longer secure in Richmond, quietly took a train for the North and were in Washington next morning. They had been watched for some time, it was said, and were aware of it, but managed to give the spies the slip. Had they remained another day they were liable to be detained by force as the most effective means of crippling the loyal resistance in the Northwest. Orders were telegraphed by Mr. Letcher to intercept them at Fredericksburg; but either the order was received too late or for some other reason was not executed. Anyhow, Richmond saw them no more; and the cat being out of the bag, it was probably deemed useless to detain those who remained behind; and they who wished were

allowed to leave, first obtaining permits from the Governor. Here is a copy of the one given to the member from Marshall:

"Pass James Burley,
"Marshall County, Va.,
"Via Orange & Alexandria R. R.,
"(Signed) John Letcher."

Mr. Burley had been a very resolute Unionist in the Convention and had offered some resolutions not exceeded in the firmness of their declarations by anything said or offered during the session. Mr. McGrew, in a later chapter of this volume, gives an entertaining account of his own escape, as far as Alexandria with others and thence to Washington by himself; and he relates that when he got over to the Baltimore & Ohio Station in Washington, the first person he saw was "old man Burley" (as he was generally called by his familiars), sitting on the platform contentedly smoking his pipe. The others who had accompanied Mr. McGrew to Alexandria, not being allowed to proceed farther, went across northern Virginia via Winchester and found their way home. In a later chapter appears a statement from Mr. Burdett that Governor Letcher did not want the departing members brought back and took care that his orders for the arrest of the first party of fugitives should be so timed that they should be safely past Fredericksburg before the telegram reached there. At Washington this party scattered. Burdett was the only one who went west by the Baltimore & Ohio, and in the chapter contributed by him he relates some of his experiences on the way. Mr. Tarr was accompanied to his home by



THE WHEELING CUSTOM HOUSE.

Mr. Carlile; and the two gave an account of matters at Richmond to an assemblage in Wellsburg the evening after their arrival there.

A BUZ AT WHEELING.

Mr. Hubbard reached Wheeling the evening of April 19th; and that same evening information was lodged at the post-office that orders had been wired by Governor Letcher

to the State military organization there to seize and occupy the Federal building. The information was promptly put in possession of Mayor Andrew Sweeney and communicated to a few other reliable persons. It was not the intention that it should become public; but it did, and the news flew like wildfire through the city. In a short time hundreds of angry and excited men had collected in the streets about the building, armed with guns, pistols and other weapons of offence, to prevent the execution of such an order. Mayor Sweeney addressed the crowd and assured them that no attempt to seize the building would be permitted, and the people were requested to return to their homes. Some did so, but others lingered in the vicinity for some hours. Gibson L. Cranmer also spoke to the crowd, from the roof of Busby & Little's wagon-shed, adjoining the Custom House grounds on Market Street. There is no reason to doubt that any attempt to carry out Letcher's orders would have been resisted by the people to the bloody end; but a knowledge of the state of popular feeling was sufficient to deter the Governor's friends from making the mad attempt. If Letcher & Co. at Richmond had been well-informed, they never would have given the order. Andrew J. Pannell was collector of customs at the time, and his well-known secession proclivities gave color to the report. The (Secession) *Wheeling Union* the next day sneered at the precautions taken. The *Intelligencer* replied that the information received "was of such a kind that it would have been criminal in the person to whom it was communicated not to have acted upon it."

The *Richmond Examiner* not long afterward took occasion to make this fling at the Northwest:

Carlile, the friend of Botts, whom the "ladies of Richmond" were announced in newspapers to have presented with a gold watch for his labors in the Convention, together with Brown, the censor of Hunter and Mason, and Cavalier Clemens, are not hanged. They live and work their devil's work in Northwestern Virginia, and are the heads of a large party there. They are the candidates for the Congress of Lincoln and publicly advocate the separation of the Northwest from the rest of the State. They inspired that set of ruffians who resisted *those orders of the State to take possession of the Custom House at Wheeling*. These orders were obeyed and the colors hoisted over the building, only to be pulled down and replaced by the Abolitionist stripes which dishonor it still.

The orders were *not* obeyed, and the Confederate colors were *not* hoisted over the building. Mr. Letcher's officers may have sent back a report of this kind to make them appear more valorous than they were. But it is clear such orders were actually issued from Richmond. At that time those persons in Wheeling who adhered to Mr. Letcher and the Confederacy were keeping quiet; and not long after, such of the "Shriver Grays" as felt impelled to fight for their "rights" slipped away quietly and made their way beyond the Confederate lines.

ORGANIZING THE MILITARY.

The next evening after Mr. Hubbard's return, a public meeting was held at American Hall, in the Fifth Ward, where he had his home; and he was present and gave his neighbors some account of his Richmond experiences, but respecting the injunction of secrecy and not disclosing the fact that an ordinance of secession had been passed. He indicated to them what they had to expect and advised



CHESTER D. HUBBARD.

the young men to go ahead and organize military companies. He said a call would soon be issued from the mountain counties for a convention to form a provisional government. He assured them that the Mayor of the city was a good Union man and would do his duty in the crisis. A day or so later, Mayor Sweeney meeting Mr. Hubbard on the street, asked him what they were going to do with the military companies they were forming? "Keep the peace of the city," was the reply.

From this time on, Wheeling was the center of an intense though suppressed activity. Conferences between Wheeling and other Panhandle delegates, with Carlile and

leading Union citizens of Ohio and other counties, were in progress day and night. Ten companies organized as the result of Mr. Hubbard's suggestion. They got together to organize a regiment and on the 27th of April elected Chester D. Hubbard, Colonel; Dr. Thomas H. Logan, Lieut. Colonel; Andrew Wilson and S. H. Woodward, Majors; James W. Paxton, Adjutant. The organization, however, did not get into the United States service in this shape. Within the next fortnight were organized the Iron Guards, the Rough and Ready Guards, the Henry Clay Guards, who were enlisted by Major Oakes, United States recruiting officer, on Wheeling Island. A company of Senior Home Guards, with Robert Hamilton, Captain, was also organized and enlisted about this time.

BURDETT PREFERS JOHN BROWN.

At Grafton on the 27th, in a public meeting, Mr. Burdett gave an account of his experiences at Richmond. He said the scene in the Convention during the passage of the ordinance of secession was more like a funeral than a re-assertion of the right of sovereignty. He paid his respects to Henry A. Wise, who he said was an "infinitely worse man than old John Brown." It was in allusion to this remark that the roughs who interrupted his speech at Fairmont May 6th called him "John Brown," when he told them he "would rather be John Brown than Benedict Arnold." This appears to have been the first public disclosure of the fact that an ordinance had been passed; but Mr. Burdett says he made up his mind on the way home that he should keep "no rebel secrets" from his constituents.

"SAM" WOODS HAS AN EXPERIENCE.

Not long after the 1st of May, Woods of Barbour came home, the Convention having taken a vacation. News of his coming preceded him; and when he descended from the train at Grafton he encountered an angry crowd, who made a rush for him. He scrambled back on the car and begged the conductor to lock the door and pull out from the station. Those who accorded him this reception must have been some of Peirpoint's "b'hoys," who paid their respects to Colonel Porterfield when he went to Grafton to establish a camp for Letcher, and was permitted to stay until the next train left!

AND LEONARD S. HALL ANOTHER.

Hall of Wetzel, it was reported, had a kindred experience at Parkersburg. He was recognized in the street and a crowd got after him and were about to lay violent hands on him, when he was rescued by General Jackson, who sheltered him in his own house. When Leonard later went aboard the steamer Albemarle, to take passage up the river to Wetzel, the officers of the boat refused to carry him. He had to take a train back on the Northwestern Virginia road to a way station and strike out across the country. This was rather ignominious; but he had that gold-headed cane to assist his limbs and must have been sustained also by the reflection that he had "vindicated the honor of Virginia."

ORDINANCE PUBLISHED.

The Richmond conspirators were reported indignant because Carlile and Dent, when passing through Washington had called on President Lincoln and revealed to him the action taken by the Convention in secret session. The conspirators had all been very free to violate their voluntary oaths to support the Constitution of the United States, but were shocked that these gentlemen should disregard an injunction forced on them when they were powerless to resist and report what their first duty as citizens and honest men required them to disclose to the United States authorities. It seems to have been a mistake in the Western delegates not to have made the same public disclosure immediately on their return home; though we must remember that in that hour of gloom and uncertainty, when all government and authority were rocking beneath men's feet, the path of duty and safety was not so clear as it seems now. But except for Mr. Burdett's statement at Grafton—which did not get wide publicity—it was not publicly known in Western Virginia that an ordinance of secession had been passed until the fact was announced and the ordinance printed in the *Baltimore American* of April 28th, Saturday. It was printed at Wheeling Monday morning, and Editor Campbell, of the *Intelligencer*, accompanied the publication with this ringing denunciation and appeal for resistance:

A STIRRING APPEAL.

Fellow-citizens, language fails us in our desire to put the whole height and depth of this stupendous infamy before you. Read it, and re-read it, and see what a mockery and scorn has

been made of your decree solemnly recorded by a majority of 60,000 on the 4th of February last that no ordinance of secession should be binding until passed upon and ratified by the people. Instead of this, all the power you reserved to yourselves has been usurped. More than a week ago, before the ordinance itself had leaked out from the dark recesses of that star chamber of despotism at Richmond, you were told by the *Richmond Enquirer* that the ordinance was to be submitted, "but simply as a matter of form and not of contest." And sure enough it will be but a matter of form—a form without substance, essence or life, a meaningless, empty and cruel counterfeit, that like the Dead Sea apples, will turn to ashes at your touch. Every traitor outside the limits of Virginia wherever a camp can be pitched, be he a conspirator from South Carolina, Alabama, Georgia, Florida, Mississippi, Louisiana or Texas, will crowd in and vote. The Oxford and McGee candle-box stuffings in Kansas, infamous and execrable as they were, will be as child's play to the despotic machinery that will be put in motion to pass this ordinance. There is no possible chance for it to fail, and it would be of no earthly account to the Union men of the State if even in despite of all this high-handed treason and usurpation it were voted down. The State is in revolution now. The ordinance is worded to take effect from its passage. It is as much in effect now as it ever will be. Under it our Congressional elections have all been abolished.

By this ordinance every vestige of liberty and franchise—every attribute of free citizenship—all that we have held dear as freemen—all that we can hope or expect in the future—is blasted and blotted out. Unless the strong arms of the government, united with our own outstretched hands, can save us, we are lost—hopelessly and irretrievably bound hand and foot, and delivered over to the spoilers and traitors, who in their wild fury are turning the eastern part of our State into a vast field of anarchy.

Union men of the Northwest! We conjure you as you have any manhood—as you have any hope for yourselves or your children—in this hour of our deadliest peril—to throw aside and trample under foot the last vestige of partyism. Let it be blotted out from your remembrance that you have ever been divided as partisans, but keep simply and only before your

minds the one great, momentous truth that if you falter or fail now your all is gone. Organize and enroll yourselves everywhere in Union organizations. Summon every energy of your mind and heart and strength, and let the traitors who desecrate our borders see, and let history in all after time record it, that there was one green spot—one Swiss canton—one Scottish highland—one county of Kent—one province of Vendee, where unyielding patriotism rallied, and gathered, and stood, and won a noble triumph.

It seems to me now, in reading this long after the peril of that crisis is past—so long many have almost forgotten it—that it is not easy to find anywhere in patriotic American literature, even in the words of the greatest Americans, a nobler, and under the circumstances a more courageous, utterance.

THE EXCITEMENT SPREADS.

The withdrawal and return of the Northwestern delegates and the story they had to tell of rank conspiracy and violence at Richmond—which, when the ordinance had been published, came out in all its details—excited profound indignation and alarm. The agitation quickly showed itself in public gatherings and in declarations of resistance even to the extremity of setting up an independent State government. With a few exceptions, the people did not even yet realize how sweeping yet minute were the plans of the revolutionists for forcing ratification, as they had forced secession. A few who understood the effect of the military league entered into with the Confederacy gave no more consideration to the question of ratification but turned their thoughts to measures of safety,

military and other, forced on the Union element by the usurpation. Yet even as late as the May Convention, some of the leaders who knew this inside history were found urging that the fight against ratification was the most important thing before them

In counties where Union sentiment was strongly predominant, the Secessionists were prudently silent, so that the public expression in such counties appeared more unanimous than it really was.

At Morgantown a meeting had been held the night of April 17th on a report that the ordinance had been passed, and resolutions of the firmest loyalty to the United States, written by Ralph L. Berkshire, adopted, concluding with a declaration that now the cup of Eastern oppression was full, and the West, repudiating further connection with their ancient oppressors and refusing to follow them into the Confederacy, would remain under the stars and stripes.

At Pruntytown (the home of Burdett and Ellery R. Hall) resolutions had been passed on the 13th declaring that Western Virginia adhered to the United States; that she had no interest in a government established for the purpose of propagating slavery; and that if Virginia seceded they favored the erection of a separate State for the West.

COMING CONVENTION.

On the morning of April 22d, the *Wheeling Intelligencer* posted at the head of its editorial columns a "Notice to the Public," stating that a strong movement was

afoot among the counties west of the Alleghenies for a general convention to be held in Wheeling early in May to consider matters connected with the public safety. The editor stated in another place that within two days he had received letters from Marshall, Monongalia, Preston, Marion, Tyler and Wetzel Counties asking as to the course which Union men in Wheeling and throughout the North-west generally were going to pursue.

A GOOD WORD FROM DOUGLAS.

On the morning of this same day, Senator Douglas of Illinois crossed the Ohio at Benwood. He was detained several hours at Bellaire, and it was not long until a crowd assembled in and around the hotel La Belle to see the distinguished Illinois Senator. At length in response to persistent calls he went out upon the balcony and spoke briefly on the National issue. In the course of his address Mr. Douglas said:

We in the northwest of this great valley (the Mississippi) can never recognize either the propriety or the right of States bordering along the Gulf of Mexico, upon the Atlantic Ocean, or upon the Pacific, to separate from the Union of our fathers and establish and erect tax-gatherers and custom houses upon our commerce in its passage to the gulf or to the ocean.* * * The proposition now is to separate these United States into little petty confederacies: first divide them into two; and when either party gets beaten at the next election, subdivide again; then whenever one gets beaten again, another subdivision. If this new system of resistance by the sword and bayonet to the results of the ballot-box shall prevail here in this country of ours, the history of the United States is already written in the history of Mexico.

THE CLARKSBURG MEETING.

A meeting was held at Clarksburg this same day to inaugurate the movement referred to in the notice in that morning's *Intelligencer*. A thousand to twelve hundred men assembled at the court-house there, on short notice, whose proceedings gave instant cohesion and direction to the thoughts and purposes of Union men throughout Northwestern Virginia. They adopted a declaration consisting of a preamble setting forth the crisis that was upon them, and a resolution recommending the people in all the counties composing Northwestern Virginia that they appoint delegates, not less than five in number, "of their wisest, best and discreetest men, to meet in convention at Wheeling on the 13th day of May next, to consult and determine upon such action as the people of Northwestern Virginia should take in the present fearful emergency." The resolutions were drawn by Mr. Carlile, who had been in consultation with returned delegates and other leading men in the Panhandle.

A reference to this meeting is made in a time-stained letter written to the author from a point a few miles north of Clarksburg April 26, 1861. The writer says:

The meeting was addressed by Hon. John S. Carlile and passed some resolutions declaring their adherence to the government and appointing delegates to a convention to be held in Wheeling either on the 11th or 13th of May—I cannot tell which; they were all so excited when they came back that it was difficult to get the exact tenor of the resolutions. However, every one agreed that it was the intention for the Wheeling convention to form a provisional government.

Express riders were immediately started to give notice of the movement to all the counties in this district. There was manifested the greatest enthusiasm ever seen in this county. When the call was made for express riders, a sufficient number volunteered instantly, and old farmers, who were never known to be excited before, came down with their money to pay expenses and with offers of horses; and in a very short time the expresses were on their way to their different destinations.

This reminds of Paul Revere and the crisis that sent him and other riders speeding out of Boston in the days of 1775:

A hurry of hoofs in a village street,
A shape in the moonlight, a bulk in the dark,
And beneath, from the pebbles in passing, a spark
Struck out by a steed flying fearless and fleet.

* * * *

A voice in the darkness, a knock at the door,
And a word that shall echo forever more.

THE LOCAL FERMENT.

Going back to the conditions suddenly precipitated upon the people in the Northwest, it is not easy to realize now just what it means for intelligent and orderly communities to be all at once confronted with the appalling contingency of Civil War—to have all the ordinary and orderly course of their daily life rudely broken; to have the mails suspended and supplies from abroad cut off; to have next-door neighbors suddenly converted into deadly foes; to be without means of defense; to have rumor run its daily and disquieting riot; when no one can count to-day what may happen tomorrow; when vague fear and uncertainty take the place of confidence and security, and each day is looked forward to with anxiety and each night

with terror. These were the conditions which suddenly took the place of peace and security in all the neighborhoods in most of the counties in the Northwest. Even those who passed through these anxieties find it difficult now to recall the poignancy of them, for it is one of the blessed offices of time to sooth the sting of painful memories. The old-time letter from which quotation has just been made about the Clarksburg meeting adverted to other matters, interesting only as a photograph of the times from which it dates:

We want to organize Union clubs in this county so we may know our exact strength and be prepared to defend ourselves, if necessary, from mobs or anything else. This is the only thing we have to fear here. Already this town has been threatened with burning; and I presume you could guess the source—the cut-throats across the river; which we think the most dangerous threat, as they have been accused of that sort of thing for some time. Similar threats have been made from the Adamsville region, but we all know there is not a man in all that region who has the courage.

We are badly in want of arms here. None are to be had now for any consideration. Not one-half the Union men here have arms of any description. I have secured an old rifle, but it is not of much account. — has just got back and says arms cannot possibly be had anywhere. You cannot get an old brass pistol as long as your little finger here for any consideration. We want a good many here and have thought of sending to Pittsburg for them; but we are told they are not to be had there; and even if they were, Virginia money would not buy them. I don't know what we are to do. We don't want to enlist because we expect to have as much fighting as we want to do right at home, and should we enlist we might be ordered away and have to leave our families unprotected. They are trying to raise a company for Jeff. Davis at Clarksburg, and we are in hopes they will, as it would remove a large amount of the off-scourings of humanity from our midst.

Judge Camden has gone to Richmond, it is thought, to consult with the Governor on the propriety of making arrests. Camden is a rank Secessionist.

The residence of Caleb Boggess, Union delegate from Lewis County, was burned by Secessionists yesterday.

I understand some river county men were at Clarksburg to-day in consultation with Carlile. Campbell Tarr, I think, was one.

This same letter—which is long and double-lined—grinds a more interesting grist for Marion County:

Marion County is as yet very doubtful. The Unionists claim a majority. The excitement at Fairmont is intense. Old Tom Haymond has been appointed General of the militia in this country, so I hear, and has sent Bill Thompson down to Governor Letcher for permission to call out a regiment for the "protection" of Fairmont. But the impression is that a descent is to be made on Wheeling and that Old Tom wants the honor of initiating the movement. I think Wheeling should take means to get information on the subject, as such a thing is not deemed improbable here. Virginia has a great many troops at Harper's Ferry now; and on the representation of Haymond that the thing could be done easy and that all these counties would join in the movement, the Governor might order on a force to take possession of United States property there.

Jerry Simpson [Rev. Jeremiah Simpson of the M. P. Church] has just come from Fairmont this morning. He left there about 3:00 A. M. and says the excitement is intense, and he would not be surprised at a riot at any moment. All the east side of the river are Union men. There is but one Secessionist in Palatine, George Kerr. Simpson says it is thought there that Hall and Haymond are confined in Richmond. Willey has come home but is going back. Some, however, believe that he is not as sound as he ought to be, and that he stayed there voluntarily and will go back in the same way.

Simpson further says that Col. Dave Hewes, who is a strong Union man and brigade inspector for the militia in Marion, Harrison and I don't know what other counties, was at Fairmont training the officers this week. He addressed the officers of the

militia in Marion in a short Union speech, referring them to the oath they had taken to support the Constitution of the United States, explaining the nature of the oath; and he told them that oath must be maintained or they would be perjured. He made a similar address to the regiment at Mannington. While he was making his speech at Fairmont, Jim Neeson, who you know is a venomous Secessionist, stood near him; and when he had concluded, he turned to Neeson and remarked: "You, too, have taken that oath."

There is a movement going on in Fairmont which I think means that they expect a force there. Either this or they are trying to intimidate the Union men. Jim Neeson is in the lead. He goes to every Union man, and with all the sternness he can command demands of each what position he intends to take or now occupies in the present state of affairs—whether he intends to stand by the Commonwealth of Virginia or not. On receiving a negative reply, as he frequently does, he says: "Well, sir, you must arm yourself. You will want arms to defend yourself." Some think he expects a force here and is in his favorite occupation of spotting them; others that it is only an attempt to intimidate. Mr. Neeson frequently gets bluffed. He approached Colonel Moran, of the regiment on the Palatine side, with his usual interrogation. The Colonel told him it was none of his business; that the less Neeson interested himself in his affairs the better for him. The Colonel is the best drilled officer in Marion County.

FOLLOWING THE CLARKSBURG LEAD.

Other counties quickly followed the lead of the Clarksburg meeting and appointed delegates to the proposed Wheeling Convention, declaring in most resolute terms their attachment to the United States, many adding that if driven to it the Northwest would cut loose from the East and set up for herself.

At Independence, Preston County, a meeting resolved to raise a company of volunteers for home guards.

At Hartford City, a meeting presided over by Daniel Polsley declared that "in the event Eastern Virginia persists in her secession movement, we will do all in our power for the separation of the Western from the Eastern portion of the State."

Owen D. Downey, of Piedmont, published over his initials an address declaring for the Union.

SOME VERY "INDEPENDENT" MILITIA.

In Monongalia on the occasion of the May muster, two regiments of militia refused to drill under either Col. J. M. Heck or Gen. Burton Fairfax because they were Secessionists. The men offered to drill under Col. David T. Hewes or Col. Leroy Kramer. The *Uniontown* (Pa.) *Standard* received the following account of the incident from a gentleman who was present:

The crowd was immense and a thousand troops in line. Gen. Burton Fairfax and Col. J. M. Heck are both Secessionists. The adjutant having formed the troops in the town, Colonel Heck advanced in front of the staff. As he gave the word "Attention" the whole regiment made a rush at him shouting like a thousand enraged lions. He put spurs to his horse. The frightened horse of General Fairfax fell with him; but springing up again, he rushed after the Colonel a hundred yards behind him. This was the end of the parade. Our informant adds that there were at least three hundred persons in Morgantown Saturday who at a word would have hung every Secessionist in the county.

Another account of the affair adds: "Home-guards are being formed and drilling in our neighborhood, many using their trusty squirrel rifles." The *Morgantown Star*

at this juncture remarks: "The people of Western Virginia are the freest and most independent people by nature under the sun." And by practice also, it might have added, if this May muster was a sample!

NOT ANOTHER CENT FOR TRIBUTE.

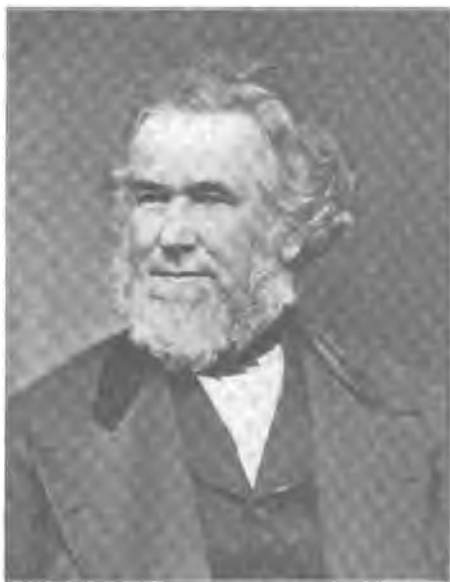
May 2d an enthusiastic meeting of Wheeling merchants resolved, without one dissenting voice, that they would pay no more revenue to "the conspirators and traitors who now hold sway at Richmond." Elijah Day, the assessor, resigned because he was not willing to assess taxes which, if collected, would be "appropriated by the traitors."

CHESTER HUBBARD TAKES STRONG GROUND.

In the Wheeling meeting May 5th which was addressed by Mr. Porter, strong resolutions drawn by Chester D. Hubbard were adopted. They declared that "the action of the Richmond Convention purporting to have dissolved the connection of Virginia with the Union was, in respect to both the act itself and the manner of doing, an unwarrantable and dangerous usurpation of power, illegal, unconstitutional and utterly null and void; that Virginia is now, as heretofore, constitutionally and rightfully one of the United States of America; that the Constitution creates a government, not a league; and that we will maintain an indefeasible allegiance to the United States."

FRANK PEIRPOINT TO THE FRONT.

Francis H. Peirpoint was the principal speaker at a mass-meeting held at Clarksburg May 3d. He spoke two hours and a half to an unwearied audience, so engrossing

**FRANCIS H. PEIRPOINT.**

was the interest in his theme. Resolutions were adopted declaring that nothing had occurred in the operations of the United States government to justify the revolution inaugurated by the Southern States; that the appointment of commissioners to represent Virginia in the Confederate Congress was "a flagrant wrong upon the rights of the people and the fundamental principles of our government;" that Western Virginia had "patiently submitted to and borne the heavy hand of the oppression of Eastern Virginia for half a century; that now the measure of oppression" was full, and "if secession is the only remedy offered by her for all our wrongs, the day is near when

Western Virginia will rise in the majesty of her strength and patriotism and repudiate her oppressors and remain permanently under the stars and stripes."

PEIRPOINT ROASTS FAIRMONT "SECESH."

Mr. Peirpoint in a speech from the McLure House balcony, in Wheeling, May 11th, related some incidents which had come under his observation as illustrating the temper of Union men in his neighborhood. An officer had come to Grafton to make a rendezvous there for Letcher's troops, "if it was not offensive to the people," as he told the landlord of the hotel. "But," said Peirpoint, "the b'hoys live at Grafton—one hundred of them, as good and true as ever trod the soil. They went to this officer and said to him: 'Now, my friend, we are a hospitable people out here and we will be generous with you. We will give you until the next train starts to leave; but as sure as there is a God in heaven, if you come back this way, you will not get through.' He left by the first train."

Mr. Peirpoint proceeded to relate how "a celebrated Captain from Fairmont (Cries 'What's his name?' 'His name is Thompson!') had gone to Grafton to establish a camp for the 'Marion Guards,' of which he was Captain. But the boys found out he was there and they went to him and told him if he would bring up two hundred of his troops they would kill them off faster than they could come up. He came back to Fairmont and told the Guards he didn't think there was any necessity for a camp at Grafton—no good ground there!"

On Wednesday morning the Secessionists at Fairmont were very brave about the encampment they were going to form, and they said to us Union men: "Now you fellows had better look out." But next day came the news of the arrival of two thousand rifles here in Wheeling, and their feathers fell; and now Drinkard (editor of the *Virginian*) says there is no necessity for any troops in this part of the country.

Probably no man supplied a larger proportion of the moral force in the resistance to secession in Northwestern Virginia than Francis H. Peirpoint. In its issue of May 6th, the *Intelligencer* paid him this merited tribute:

Frank Peirpoint is one of those men well fitted for the stormy and revolutionary times that are upon us. He has the moral, physical and mental power of a leader. A truer man to the cause of the Union does not live; and he has the vigor of apprehension, that incisiveness of speech and that indomitable will and courage that carries the people with him.

PORTERFIELD'S MISSION.

The officer referred to by Peirpoint as having gone to Grafton to establish a Letcher rendezvous was Col. George A. Porterfield, concerning which and whom Pollard says in his *Southern History of the War*:

Colonel Porterfield had been ordered to Grafton about the middle of May, 1861, with written instruction from General Lee to call for volunteers from that part of the State and receive them into the service to the number of 5,000, and to coöperate with the agents of the Baltimore & Ohio Railroad [!], and with verbal orders to try to conciliate the people of that section and to do nothing to offend them. Finding soon after his arrival that the country was in a state of revolution, and that there was a large and increasing Federal force at Camp Denison, in Ohio, opposite Parkersburg, and another in the vicinity of Wheeling,

Colonel Porterfield wrote to the commanding general that unless a strong force was sent very soon, Northwestern Virginia would be overrun.

Upon directing the captains of volunteer companies to proceed with their companies to Grafton, they replied that not more than twenty in companies numbering sixty were willing to take up arms on the side of the State; that the others declared that if they were obliged to fight it would be in defense of the Union. Colonel Porterfield succeeded in a week in getting together three newly organized companies. This force was increased by the arrival of several other companies, two of which were unarmed cavalry companies, amounting in all to about five hundred infantry and one hundred and fifty cavalry. These troops had been at Grafton but a few days when (about the 25th of May) Colonel Porterfield was reliably informed of the forces of the enemy and withdrew his command to Phillippa. Orders were given for the destruction of Cheat bridge, but were not executed. The enemy's force at Grafton was about eight thousand men. On the 3rd of June, through the failure of the guard or infantry pickets to give the alarm, the command at Phillippa was surprised by about five thousand infantry and a battery of artillery and dispersed in confusion, but with inconsiderable loss of life, through the woods. The command had no equipments and very little ammunition.

General Garnett succeeded Porterfield in the command in Northwestern Virginia with about six thousand men.

FIXING UP.

In many counties people had armed themselves, either privately or by the organization of companies for home protection. In some places State volunteer companies in sympathy with Richmond were holding their lives in readiness to receive orders from Lynch rather than masters or to risk such a turn — so overpowering was the Union sentiment — that such organizations were put on the defensive, and those of them who wanted to fight fought. One fed new life to the country, singly or in groups, and found their way into

the Confederate camps. Everywhere the lines were being rapidly drawn and men compelled to take their stand on one side or the other.

THE CITY OF REFUGE.

Wheeling, by reason of its geographic location and equally because of its resolute Unionism, was the city of refuge towards which the loyalists throughout Northwestern Virginia turned their eyes in this emergency. Carlile went to Wheeling early, to be in consultation with the Panhandle members of the Convention and other leaders of public opinion to be met at that point. Willey held aloof and reports were rife that he was disaffected, and that on his way home through Virginia he had made a speech in which he had violently denounced President Lincoln for issuing his call for troops. Granville Parker, in his "Formation of West Virginia," notices these reports in connection with his comment on the election of Mr. Willey as senator over Lamb and Van Winkle. But generally from every quarter the note that came up from the Union element was one of attachment to and confidence in the government as the only possible breakwater against the rising tide of the Confederacy in Virginia.

THE PANHANDLE GETS GUNS.

There was abundance of courage but lack of weapons to make it effective, if the actual emergency of an attempt by Letcher or Lee to mobilize or quarter troops in the Northwest should have to be suddenly met. In the Panhandle the consciousness of this need took shape. A committee of Brooke County men—Campbell Tarr, Adam

Kuhn, Joseph Applegate and David Fleming—went to Washington to procure arms. They called on Edwin M. Stanton, with whom as a lawyer at Steubenville some of them had a personal acquaintance, and who was then practicing his profession at Washington, and he introduced them to Simon Cameron, Secretary of War. Upon Mr. Cameron hesitating as to his legal right to supply government arms to private citizens, Stanton told him "The law of necessity gives the right. Let them have the arms, and look for the book law afterwards." Mr. Cameron was convinced; and on the 8th of May 2000 of Maynard's self-priming rifles, with munitions and accoutrements complete, were unloaded from a Pittsburg steamer at Wellsburg. Announcement of their arrival was made in the *Wheeling Intelligencer* in these words:

We have the unspeakable satisfaction of announcing that two thousand United States Minie rifles, with munitions and equipments, have arrived for the Union men of the Panhandle.

In the same issue appeared a letter from the Secretary of War to John H. Atkinson, of New Cumberland, under date of April 16th, as follows:

In those States in which the executives have refused to obey the call of the President for troops, volunteers enrolled and organized into companies, battallions or regiments and inspected, if mustered into the service of the United States, will be armed and equipped by the Government.

These announcements had an inspiring effect on the Union people throughout the Northwest and correspondingly discouraged the other side, as illustrated in the story Peirpoint told about the change of views wrought in the mind of Editor Drinkard at Fairmont.

THE FIRE RISES.

May 10th, the *Wheeling Intelligencer* said editorially:

The Union men are rising in their strength. Letters are exhibited to us by friends here in the city from their friends, acquaintances and relatives in all the various counties of Western Virginia, and so far as we have read them they bring good news. There is a most unprecedented awakening on the subject of secession. The fact that we have been foully, treacherously and despotically dealt with has come upon the convictions of the people like a horrid fright. That fright has been succeeded by a most intense indignation, which is rapidly kindling into a towering and devouring flame of resentment and repudiation.

The *New York Times* about this period made this comment:

Virginia in rebellion, one-half her territory gravitates by kindred attraction to the North. Already is a victory gained which is conclusive of the whole contest. A territory equal to a first-class State is thrown off from the South by mere force of repulsion. It can never be reclaimed. Its people have no sympathy with slave propagandism and earnestly cling to a government which maintains law and order.

A JUDICIAL CRANK.

Judge George W. Thompson, of Wheeling, whose son William P. was the Captain of the "Marion Guards" referred to by Peirpoint in his McLure House speech, waiting Letcher's call to enter the Confederate service, undertook at this time to employ his judicial functions to intimidate the Unionists. Friday morning, May 10th, he charged the grand jury at Wheeling that:

If any person should attempt, by force or in any other manner than is constitutionally and lawfully provided for, to separate the State and establish a different government from the

existent one, it would not only be treason against the State, but it would be contrary to the Constitution of the United States; and if he should hear of any such design or attempt to subvert the State government in his judicial district, he would convene court in every county and bring such offenders to the bar of justice for their crime.

It must not be supposed this fulmination was aimed, as it might justly have been, at Jefferson Davis and the Convention commissioners who had just set up the government of the Confederate States in Virginia. It was directed at the much smaller game, the persons who were talking about a division of the State. But the threat fell flat. Nobody paid any attention to it. All realized that however else the fundamental questions at issue might be solved, they were not to be solved by the interpretation of small-bore courts.

CHAPTER VIII.

THE MAY CONVENTION—ORGANIZING RESISTANCE

THE DAY—THE CITY—THE PEOPLE.

Monday, the 13th day of May, 1861, opened clear and auspicious for the gathering set for that day in the smoky, busy little city beside the Ohio, at the foot of the great rugged hills still part of the sacred possessions of the Old Dominion, projected aggressively far north between the alien territory of two free States. A fresh breeze coming across the river from the boundless West lifted the usual canopy of smoke and showed the old Virginia town in gala-day attire. Early in the morning people began to circulate in unusual numbers in the streets, and incoming steamboats and trains to swell the crowds. The city had adorned itself with the National colors, as a bride decks herself for the wedding-day. Great flags streamed from house roofs and from cables stretched across the streets. Smaller banners fluttered from windows and doorways. Teams were decked with little flags, while Union badges and red-white-and-blue rosettes were profusely displayed upon the persons of men, women and children.

As the arriving delegations marched from steamer or train, to the strains of numerous bands, flags flying, crowds cheering, it was a spectacle to stir the blood. It was estimated that so many Virginians had never been in Wheeling at one time before. On most gala occasions in the Nail

City, the crowds had been largely made up from neighboring Ohio and Pennsylvania; but this was a day that appealed chiefly to Western Virginians, and they were alive and enthusiastic in their response. "The people from the mountain and river counties in attendance on the Convention," said the *Intelligencer*, "are far ahead of us in enthusiasm and devotion to the Union, and have forced the Panhandle to yield its claim to being the especially loyal."

An incident of the day was that Thomas Hornbrook, who had just been appointed U. S. Collector of Customs at the port of Wheeling, superseding Andrew J. Pannell, raised a new United States flag over the Federal Building at the corner of Market and John Streets. A stand had been erected on the opposite side of Market; and after an opening prayer by Rev. Wesley Smith, the flag was run up and greeted with cheers from the multitude in the streets. The Star Spangled Banner was sung by a choir, the people joining in the chorus. An address by Hon. John S. Carlile followed and was rapturously applauded.

THE FEELING AND THE PROBLEM.

Resistance to secession—resistance to the death—was the universally expressed determination. That was past all discussion. The problem was how most effectively to organize it and save Western Virginia to the Union.

On the eve of this historic Convention, the *Wheeling Intelligencer* had asked if there was "a man from all the Northwest who has the nerve and genius to lead this great

movement? Who can concentrate the scattered elements and bring their chaotic fragments into form?" The question found its answer in the event, not in quite the shape in which it had been put. The movement found not one leader on whom its success supremely depended; but, what was better, a number who with united patriotic purpose solved its problems and gave it direction. We shall see as the story progresses that this movement was greater than its leaders; that there was a moral power in it which drove it on to success regardless of leadership or the absence of it; in spite of half-heartedness and actual hostility, on the one hand, and of treacherous leadership on the other. The result, we must recognize, was a part of the great National triumph which alone made it possible. The leaders worked wisely in harmony with the struggle to preserve nationality and therein found the road to their own success. Many years later, I casually met Daniel Lamb in the lobby of the Wheeling postoffice, and the conversation went back to the stirring times of 1861-2-3. "If it were all to do over again," was Mr. Lamb's concluding remark, "looking back to it now after all these years, I cannot see where a single one of our steps could have been more wisely taken."

THE NEWSPAPER CORPS.

The delegates assembled in Washington Hall at eleven A. M. The great audience room was filled with an eager, expectant, fluttering mass. The wide stage, on which sat many of the most eminent citizens of the Northwest, was

decorated with the national colors. In front of the stage on the main floor were tables for the press; at which, during the sessions, besides reporters of the city papers, sat the following from other cities:

Mr. Glenn, of the *New York Herald*;
Edward F. Underhill, *New York Times*;
Ainsworth R. Spofford, *Cincinnati Commercial*;
J. J. Henderson, *Cincinnati Gazette*;
Daniel O'Neill, *Pittsburg Chronicle*;
Fred Foster, *Pittsburg Dispatch*;
S. D. Page, *Cleveland Leader*;
John D. M. Carr, *Chicago Press and Tribune*.

Of these, Mr. Glenn had just come from Pensacola, where he had seen the rebels take possession of Fort Pickens. Underhill, after the Convention, went East via the Baltimore & Ohio Railroad and was taken from the car by the rebels at Harper's Ferry, and there held some time as a prisoner under pretense of a belief that he was a spy. He was confined in a part of the armory that had been held by John Brown and exposed to insult from the rabble. A rope was thrown over a limb of a tree so that a loop at the end of it dangled before a window of the crib in which he was confined. He was later removed to the jail at Charlestown whence Brown had marched to the gallows. Spofford became Librarian of Congress, and is still in the National Library in an auxiliary position. Fred Foster afterwards became editor on the *Wheeling Press*, and accompanied Governor Peirpoint as his secretary when the capital of the Restored Government of Virginia was removed to Alexandria, upon the advent of West Virginia.

THE OPENING.

There was manifest throughout the audience the tense, electric feeling which pervades great assemblies in times of excitement; and it was a relief when Chester D. Hubbard, of Wheeling, came forward on the stage and nominated for temporary chairman William B. Zinn, of Preston County—a rugged old mountaineer, who afterwards represented his county in the June Convention and House of Delegates. Mr. Zinn was escorted to the chair by Hon. John S. Carlile, of Harrison.

George R. Latham, at that time editor of the *Grafton West Virginian*, commissioned in May, 1862, Colonel of the Fifth Cavalry, afterwards member of the United States House of Representatives and later Minister to Melbourne, was made temporary secretary.

At the suggestion of Gen. John J. Jackson, of Wood, Rev. Peter T. Laishley, a delegate from Monongalia, offered prayer. In the course of his petition Mr. Laishley prayed that the stars and stripes might ever wave over this land “from the Atlantic to the Pacific—from Maine to California” (nothing about the Gulf) and that those who would plunge the country into discord might be overreached by the omnipotent arm; that this Convention might “act promptly, decisively and harmoniously.”

A NOTE OF DISCORD.

General Jackson moved that any gentleman present from any county in Northwestern Virginia be received as a delegate.

John S. Burdett, of Taylor, suggested to include the Valley.

Mr. Carlile asked General Jackson to withdraw his proposition. He trusted this was to be a deliberative body, composed only of those who came with the authority conferred upon them by the people of their counties who appointed them. He would not wish to prevent any gentleman from Northwestern Virginia, or anywhere else, from taking a seat on this floor and listening to the deliberations of this body; but he desired whatever action might be taken should be sanctioned by the authority of the people. In his county, at least, men had been selected with reference to the interests involved in the action of this Convention. The first thing was to provide for a permanent organization by the appointment of a committee on credentials, who would ascertain and report the names of those who were really the representatives of the people.

General Jackson thought it would be difficult to discover who were the real representatives of the people. The delegation from Wood County were prepared to take the responsibility of acting as delegates although not appointed as such. He had no doubt gentlemen had been sent here by proper and responsible bodies; but if they were to take great and momentous action, "let us have our whole people with us." He declined to withdraw his proposition.

Mr. Carlile said it was unfortunate that at the very threshold of their proceedings there should be this exhibition of a division of sentiment. If he had not conceived that the adoption of the proposition of the gentleman from Wood would prove fatal to every step hereafter to be taken, he would have remained silent in his seat. He himself was



JOHN S. CARLILE.

here by the voice of the qualified voters of his county greater than was given him at the polls on the 4th of February as delegate to the Richmond Convention. No court-house clique in his county had sent delegates here. All his colleagues were here by the same voice and power. It was the court-house cliques that had brought the good old State to the brink of ruin. He looked upon this body as possessing all the power it could possess if it were a legislative body elected under the forms of law; and who ever heard of a legal deliberative body being composed of gentlemen who might happen to be present from the various counties of the State in which they reside? He trusted it

would be the pleasure of the Convention to proceed as a deliberative body, and that none would act except those sent here by their people. Other fellow-citizens present could occupy the rear of the hall, see what is going on and give us the benefit of an outside pressure, as had been done elsewhere for their enslavement.

General Jackson contended there could be no legal means to determine by what authority a gentleman was here. He wanted to include all the gentlemen present from any counties in this part of the State and also from Frederick and Berkeley.

Mr. Carlile trusted the legal and parliamentary precedents in England and in this country, and in all countries where deliberative bodies have assembled, would be followed by this Convention. "You meet and for the mere purpose of calling the body to order put some one in the chair and provide a temporary secretary. The next step is to elect a permanent presiding officer and secretary whose business it is to record your proceedings and who is responsible for them. The next to appoint a committee on credentials; and that committee reports to the body who are entitled to seats in it. I trust that we will follow precedent here and that the grave authority that clothes every deliberative body will clothe this one. I may be enthusiastic—I may be ahead of the times—but I believe, as much as I believe in the existence of a God, that our salvation, and it may be the salvation of our whole country, depends on the deliberations of this body and its action; and I want it to go abroad all over the land with all the prestige that parliamentary usage can give it."

General Jackson said he did not understand that the Convention was here for the purpose of forming a provisional government, but for deliberation and conference.

Mr. Carlile replied that if they had come here only to consult and then adjourn and go home, he had no further interest here. The people he represented, he said, "expect that we will never adjourn until their safety is secured beyond a doubt in the Union and under the flag. If we temporize now, and consult and adjourn to come back here again, before that day arrives you will have sworn allegiance to the rattlesnake flag."

Francis H. Peirpoint, of Marion, suggested to General Jackson that he withdraw his motion and allow a committee on credentials to be appointed. Let the delegations report to the committee, "and when we vote on resolutions it will be on the basis of the population of the counties."

General Jackson said he had no sort of objection to this; but he said according to Mr. Carlile's position, all those delegates not formally appointed would be excluded. A Convention such as that gentleman wanted would not be so effective as it would be while admitting the mass of those who had come here as citizens rather than as delegates. It would not look so much like an upheaval of the people.

Mr. Burdett said that for his part he had not come here to talk. He came here for action. "While we are talking," he said, "the chains have already been forged for us and the bayonets are threatening invasion. In my town of Grafton, Letcher has ordered his troops to rendezvous." It was no time to debate or evince feeling.

Mr. Hubbard moved that a committee, composed of one from each county represented, be appointed; to whom should be referred the subject of representation, and also the nomination of permanent officers of the Convention. This motion prevailed; and then it was agreed, on motion of George H. Kidd, of Preston, that an adjournment be taken to 3 P. M.; and that in the meantime the delegations from the several counties report to the president of the Convention the name of one of their number to be their representative on the committee on representation and permanent organization, and that the delegations meet as soon as possible for this purpose.

CONVENTION ORGANIZED.

At the opening of the afternoon session, Andrew Flesher, of Jackson, chairman of the committee, reported the following nominations:

For permanent president, Dr. John W. Moss, of Wood.

For permanent secretaries, Col. C. B. Waggener, of Mason; Marshall M. Dent, of Monongalia, and Gibson L. Cranmer, of Ohio.

The committee asked further time to consider the credentials of delegates. The report as to permanent officers was adopted, and Dr. Moss was conducted to the chair by Messrs. Carlile, Peirpoint, and McNeill, of Monongalia. The organization was completed, on motion of Mr. Burdett, by the appointment of James M. Ewing as sergeant-at-arms and A. Clemens and R. Higgins as doorkeepers.

It was agreed that the Convention should meet at 10 A. M., adjourn at noon, and reassemble at 2 P. M., each succeeding day while the session lasted.

General Jackson, obtaining the floor, made a lengthy speech defining his position. He was opposed to the Convention taking any decisive action; thought it would be premature, revolutionary and altogether unwise. He was in favor of the Convention passing a series of resolutions expressive of the wrongs of the Northwest, and then adjourning at least until after the election; and urged that meanwhile the counties should be canvassed to defeat the ratification of the ordinance of secession. When this had been done, and every peaceable method of defense exhausted, he would then go in for a division of the State. He characterized the policy foreshadowed by Mr. Carlile as calculated to place the Northwest at once in the midst of Civil War. He believed we might, after a while, and by going about it in the right way, effect a peaceable division of the State; but he urged that the people of the interior counties were not ripe for it yet.

Mr. Burdett interrupted at one point and asked: Supposing, in the meantime, while thus waiting, Letcher should throw his troops into this part of the State to intimidate Union men and carry the election by violence and force, as they will do in the East, what did General Jackson propose to do in such a case? "We must meet the emergency now," said Mr. Burdett, and the Convention responded to the declaration with applause.

Mr. Carlile replied to General Jackson. If he had supposed the deliberations of this body were to be limited to the adoption of a few paper resolutions, he would not have

gone through what he had in furtherance of what he had supposed would be the action of this Convention—in furtherance of the efforts that were necessary to maintain the liberties of a patriotic people. “Need my friend from Wood,” he said, “be informed that the day has gone by for plunging the people of the Northwestern part of the State into revolution, as he terms it? We are already in revolution, not by our act but by that of the usurpers sitting in dark conclave at Richmond. I presumed it was the mission of this body to devise such measures as would protect us from the consequences which must inevitably flow from that usurpation. We are the only portion of the State that is not now under military despotism. The order has gone forth, and it is even at this hour being executed, by which we are to share the fate that has been imposed on other portions of the State. The soldiers have been ordered to rendezvous at various points in this part of the Commonwealth. No people who contented themselves with paper resolves, while bayonets were bristling all around them and war was being brought to their very doors as rapidly as it could be, ever maintained their freedom in this way. * * * When has there ever been in the records of the past such an utter contempt on the part of any despot for the people as exhibited here, in what was once free Virginia, by the Richmond Convention? You determine at the polls by more than fifty thousand majority that no act of that Convention should change your relations to the Federal government without being first ratified by you; and even before the ordinance is passed they place you in hostility to the government!”

General Jackson wished to know how prompt action by this Convention would overcome the difficulty?

CARLILE SWAYS THE CROWD.

Mr. Carlile: Let this Convention show its loyalty to the Union and call upon the government to furnish them with means of defense, and they will be furnished. "There are two thousand minie muskets here now, and more are on the way, thank God." (The announcement was greeted with cheers.) "Let us," continued Carlile, "repudiate these monstrous usurpations; let us show our loyalty to Virginia and the Union; and let us maintain ourselves in the Union at every hazard. It is useless to 'cry peace when there is no peace'; and I, for one, will repeat what was said by one of Virginia's noblest sons and greatest statesmen: 'Give me liberty or give me death.'"

This declaration was received with loud and continued applause, indicating that the great body of those present sympathized with a vigorous policy as against any temporizing.

THE DELEGATES.

The Committee on Credentials then submitted their supplemental report, showing duly accredited delegates from the counties of Hancock, Brooke, Ohio, Marshall, Marion, Monongalia, Preston, Harrison, Wood, Ritchie, Lewis, Upshur, Gilmer, Wirt, Jackson, Mason, Wetzel, Pleasants, Barbour, Hampshire, Berkeley, Taylor, Tyler, Doddridge and Roane, as follows:

HÀNCOCK.

George McC. Porter,
William L. Crawford,
Louis R. Smith,
B. J. Smith,
J. C. Crawford,
Thomas Anderson,
W. B. Freeman,
W. C. Murray,
J. L. Freeman,
John Gardner,
George Johnson,
J. S. Porter,
James Stevenson,
J. S. Pomeroy,
R. Brenamen,
Daniel Donehoo,

D. S. Nicholson,
Thayer Melvin,
Ewing Turner,
James H. Pugh,
H. Farnsworth,
James G. Marshall,
Samuel Freeman,
John Mahan,
David Jenkins,
William Hewitt,
William Brown,
A. Moore,
D. C. Pugh,
Jonathan Allison,
John H. Atkinson,
Joseph W. Allison.

BROOKE.

Adam Kuhn,
David Hervev,
Campbell Tarr,
Nathaniel Wells,
J. R. Burgoyne,
James Archer,
Jesse Edgington,
R. L. Jones,

James A. Campbell,
Robert Nicholls,
Joseph Gist,
John G. Jacob,
Eli Green,
J. D. Nichols,
Bazabel Wells,
M. Walker.

OHIO.

Lewis S. Delaplain,
J. R. Stifel,
Alfred Caldwell,
John McLure, jr.,
Andrew Wilson,
George Forbes,
A. J. Woods,
Thomas H. Logan,

John Stiner,
Daniel Lamb,
Chester D. Hubbard,
S. H. Woodward,
James W. Paxton,
A. Hanlan,
S. Waterhouse,
Gibson L. Cranmer,

James S. Wheat,
George W. Norton,
N. H. Garrison,
E. Buchanan,
John Pierson,
Perry Whitham,
E. McCaslin,
A. Bolton Caldwell,
John R. Hubbard,
Andrew F. Ross,
William B. Curtis,

Jacob Hornbrook,
L. D. Walt,
John K. Botsford,
George Bowers,
Robert Crangle,
Jacob M. Bickel,
James Paull,
John G. Hoffman,
Jacob Berger,
A. Bedillion, Sr.,
James C. Orr.

MARSHALL.

John H. Dickey,
John Parkinson,
Thomas Morris,
William Alexander,
John Laughlin,
William T. Head,
J. S. Parriott,
William I. Purdy,
H. C. Kemple,
Joseph Turner,
Hiram McMechen,
Elbert H. Caldwell,
James Garvin,
L. Gardner,
H. A. Francis,
Thomas Dowler,
John R. Morrow,
William Wasson,
Nat Wilson,
Thomas Morgan,
S. Dorsey, Jr.,
R. B. Hunter,
J. W. McCarrigan,
J. B. Morris,
R. C. Holliday,
William Collins,

J. Winders,
William Baird,
Dr. Marshman,
William Luke,
J. Garvin,
S. Ingram,
William Phillips, Jr.,
A. Francis,
Thomas Wilson,
Lot Enochs,
G. Hubbs,
John Willson,
John Ritchie,
J. W. Bonar,
J. Alley,
S. B. Stidger,
Asa Browning,
Samuel Wilson,
J. McConnell,
A. Bonar,
D. Price,
G. W. Evans,
D. Roberts,
George Hubbs,
Thomas Dowler,
R. Alexander,

W. R. Kimmons,
G. W. Evans,
William McFarland,
J. Hornbrook,
John Reynolds,
R. Swan,
J. B. Hornbrook,
James Campbell,
F. Clement,

E. Conner,
Charles Snediker,
John Winters,
Nathan Fish,
V. P. Gorby,
Alf Gaines,
J. S. Riggs,
Alexander Kemple,
Joseph McCombs.

WETZEL.

F. E. Williams,
John Murphy,
Elijah Morgan,
William Barrows,
B. T. Bowers,
J. R. Brown,
J. M. Bell,
Jacob Young,
Reuben Martin,
R. Reed, Sr.,
Richard Cook,

A. McEldowney,
B. Van Camp,
John McClaskey,
S. Stephens,
R. W. Lauck,
John Alley,
Thomas McQuown,
George W. Bier,
William D. Welker,
R. S. Sayers.

TYLER.

D. D. Johnson,
Daniel Sweeney,
V. Smith,
W. B. Kerr,
J. C. Parker,
James M. Smith,

J. H. Johnson,
Isaac Davis,
S. H. Hawkins,
D. King,
William Pritchard.

HARRISON.

John S. Carlile,
Thomas L. Moore,
John J. Davis,
Solomon S. Fleming,
Felix S. Sturm,
James Lynch,

William E. Lyon,
Lot Bowen,
Dr. Duncan,
Waldo P. Goff,
B. F. Shuttlesworth.

PLEASANTS.

Friend Cochran,
Robert Parker,

R. A. Cramer,
James W. Williamson.

WOOD.

S. L. A. Burche,
John J. Jackson,
J. D. Ingram,
A. Laughling,
W. Vroman,
J. C. Rathbone,
G. E. Smith,
D. K. Baylor,
M. Woods,
Andrew Als,
Joseph Dagg, Jr.,
N. W. Warlow,
Peter Riddle,
John Paugh,
T. E. McPherson,
Thompson Leach,
S. S. Spencer,
E. Deem,
N. H. Colston,
A. Hinkley,
Bennett Cook,
George W. Henderson,
George Loomis,
J. L. Padgitt,
S. D. Compton,
S. M. Peterson,
G. H. Ralston,
V. A. Dunbar,
A. R. Dye,
W. H. Baker,
William Johnson, Jr.,
Jesse Burche,

John McKibbin,
W. Athey,
C. Hunter,
R. H. Burke,
W. P. Davis,
George Compton,
C. M. Cole,
Roger Tiffins,
Edward Hoyt,
W. B. Casewell,
Peter Dils,
W. F. Henry,
A. C. McKinzey,
Rufus Kinward,
John J. Jackson, Jr.,
J. J. Neall,
T. Hunter,
M. P. Amiss,
J. Barnett,
T. S. Conley,
C. J. Neall,
J. G. Blackford,
Henry Cole,
William E. Stevenson,
Jesse Murdock,
J. Burche,
J. Morrison,
A. H. Hatcher,
A. Mather,
G. B. Smith,
Arthur Drake,
H. Rider,

S. Ogden,
Sardis Cole,
P. Reed,

B. H. Kukey,
Dr. John W. Moss,
R. S. Smith.

MONONGALIA.

Waitman T. Willey,
Col. James Evans,
Col. Leroy Kramer,
Col. William A. Hanaway,
Capt. William Lazear,
Elisha Coombs,
George McNeeley,
Col. Henry Dering,
Dr. H. N. Mackey,
Evans D. Fogle,
James T. McClaskey,
James T. Hess,
Charles H. Burgess,
John Bly,
William Price,
Dr. A. Brown,
Dr. J. V. Boughner,
E. P. Fitch,
E. B. Tygard,

Alpheus Garrison,
Dr. John McCarl,
J. A. Willey,
Joseph Snyder,
Joel Bowsby,
A. Derrault,
Amos S. Bowsby,
N. C. Vandervort,
Daniel White,
Dr. Dennis B. Dorsey,
Jacob Miller,
Dr. Isaac Scott,
Marshall M. Dent,
Dr. P. T. Laishley,
Ed. P. St. Clair,
William B. Shaw,
P. L. Rice,
Joseph Jolliffe,
William Anderson.

PRESTON.

H. C. Hagans,
R. C. Crooks,
William H. King,
James W. Brown,
Charles Hooton,
Summers McCrum,
William B. Zinn,

W. T. Brown,
Reuben Morris,
D. A. Letzinger,
John Howard,
George H. Kidd,
James Alex Brown,
William P. Fortney.

JACKSON.

Andrew Flesher,
D. Woodruff,
C. M. Rice,
J. F. Scott,

George Leonard,
G. L. Kennedy,
J. V. Rowley.

MARION.

R. R. Brown,
J. C. Beeson,
Isaac Holman,
Thomas H. Bains,
Hiram Haymond,
N. Merrifield,
Joshua Carter,
G. W. Jolliff,

John Chisler,
Thomas Hough,
William Beatty,
James C. Beatty,
Aaron Hawkins,
Jacob Streams,
Francis H. Peirpoint,
Jesse Shaw.

MASON.

Joseph H. Macher,
Samuel Harpold,
W. E. Wetzel,
John Godlez,
Wrat Wellis,
W. W. Harper.
William Harpold,
Daniel Polsley,
Samuel Davis,
J. N. Jones,
S. Yeager,
R. C. M. Lovell,
B. J. Rollins,
D. C. Sage,
C. H. Bumgardner,

John O. Butler,
Timothy Russell,
John Hall,
A. A. Reager,
W. Hopkins,
E. B. Davis,
David Rossin,
John J. Weir,
Asa Brigham,
Charles B. Waggener,
John M. Phelps,
Stephen Comstock,
W. C. Sharr,
Apollo Stevens,
Major Brown.

UPSHUR.

W. H. Williams,

C. P. Rohrbaugh.

WIRT.

Henry Newman,
E. T. Graham,

B. Ball.

RITCHIE.

Noah Rexroad,
D. Rexroad,

J. P. Harris,
A. S. Cole.

HAMPSHIRE.

O. D. Downey,
George W. Broski,
Dr. B. B. Shaw,

George W. Sheets,
George W. Rizer.

BERKELEY.

A. R. McQuilken,
John W. Dally,

J. S. Bowers.

BARBOUR.

E. H. Menefee,
Spencer Dayton,

J. H. Shuttlesworth.

DODDRIDGE.

J. Cheuvront,
S. S. Kinney,
J. Smith,

J. A. Foley,
J. P. F. Randolph.

LEWIS.

F. M. Chalfant,
A. S. Withers,
J. W. Hudson,
P. M. Hale,

J. Woofter,
W. L. Grant,
J. A. J. Lightburn.

ROANE.

Irwin C. Stump.

TAYLOR.

J. Means,
J. M. Wilson,
T. Kennedy,
T. Cather,
John S. Burdett,

J. J. Allen,
B. Bailey,
J. J. Warren,
George R. Latham,
T. T. Monroe.

The following resolutions recommended by the committee were agreed to:

That the President be authorized to present cards of admission to the floor of the Convention to such citizens in attendance from different parts of the State as sympathize with the objects of the Convention and are good and true friends of the Union.



CAMPBELL TARR.

That each member of the committee furnish the secretaries a list of delegates now in attendance from the county represented by such member.

That the vote to be taken on any question when demanded by twenty-five members shall be taken on the basis of the vote cast by each county in the last presidential election, the vote to be cast by the chairman of the delegation; on all other questions the vote to be taken per capita.

BUSINESS COMMITTEE.

Campbell Tarr, of Brooke, moved, and it was agreed, that one member from each county represented be appointed by the president as a Committee on State and Fed-

eral Relations, to whom should be referred all resolutions looking to action by the Convention. The committee appointed under this resolution was the following:

Brooke, Campbell Tarr.	Wirt, E. T. Fraham.
Monongalia, Waitman T. Willey.	Marion, Francis H. Peirpoint.
Harrison, John S. Carlile.	Barbour, Spencer Dayton.
Wood, John J. Jackson.	Frederick, George S. Senseney.
Preston, Charles Hooton.	Taylor, John S. Burdett.
Ohio, Daniel Lamb.	Berkeley, A. R. McQuilken.
Hancock, George McC. Porter.	Pleasants, S. Cochran.
Mason, Joseph Macker.	Roane, I. C. Stump.
Tyler, Daniel D. Johnson.	Gilmer, S. Martin.
Jackson, James Scott.	Upshur, A. B. Rohrbaugh.
Wetzel, George W. Bier.	Hampshire, O. D. Downey.
Marshall, R. C. Holliday.	Doddridge, James A. Foley.
Lewis, A. S. Withers.	

Waitman T. Willey obtained the floor and proceeded to address the Convention, taking substantially the position taken by General Jackson against any immediate measures looking to an independent State organization. He was followed by Campbell Tarr, who reviewed the positions of Willey and Jackson with a good deal of severity. He declared the time for compromises, talk and temporizing was past; that now nothing but prompt and decisive action could avert the impending dangers. This was the time to strike, and he knew a response to that declaration would come up from the entire valley from the Ohio to the Alleghenies.

MR. WILLEY EXPLAINS.

The second day of the Convention was opened with prayer by Rev. Wesley Smith, of the Methodist Church.

Mr. Willey, rising to a privileged question and referring to his remarks the previous evening, said he had been

misunderstood to say that his view of the proper course for the Convention to pursue was that it should adjourn until after the ensuing election without taking any action whatever. He had intended to say that he differed from Mr. Carlile in the views that gentleman entertained regarding the proper course to be pursued here. But he wished to declare a distinct and unequivocal position in condemnation of the usurpation at Richmond and lay down a platform upon which to organize the public sentiment for a separation from the rest of the State. Previous engagements would necessarily call him away from the Convention to-morrow, and he would ask to be released from the position assigned him upon the Committee on State and Federal Relations.

COLONEL WHEAT BOILS IT DOWN.

James S. Wheat, of Ohio, offered the following, which went to the committee:

1. *Resolved*, That in our deliberate judgment, the ordinance passed by the Convention of Virginia on the 17th day of April, 1861, commonly known as the ordinance of secession, by which said Convention undertook in the name of the State of Virginia to repeal the ratification of the Constitution of the United States of America by this State, and to resume all the rights and powers granted under said Constitution, is unconstitutional, null and void.

2. *Resolved*, That the schedule attached to said ordinance suspending and prohibiting the election of members of Congress from this State to the House of Representatives of the Congress of the United States, required by law to be held on the 4th Thursday of this month, is a manifest usurpation of power to which we as Virginia freemen ought not, cannot and will not submit.

3. *Resolved*, That the Convention of the 24th of April, 1861, between the commissioners of the Confederate States and this State, and the ordinance of the 25th of April, 1861, approving and ratifying said Convention, in agreement by which the whole military power and military operations, offensive and defensive, of the Commonwealth were placed under the chief control and direction of the President of the Confederate States, upon the same principle and footing as if the Commonwealth were now a member of said Confederacy and all the actings and doings of the executive officers of our State under and in pursuance of said agreement and ordinance, are plain and palpable violations of the constitution of our State and are utterly subversive of the rights and liberties of the good people thereof.

4. *Resolved*, That it be earnestly recommended to our fellow-citizens of this State at the approaching election to vindicate their rights as Virginia freemen by voting against said ordinance of secession and all other measures of like character so far as they may be known to them.

5. *Resolved*, That it be also urged upon them to vote for members of Congress of the United States in their several districts, in the exercise of the rights secured to us by the Constitution of the United States and of Virginia.

6. *Resolved*, That it be also recommended to the citizens of the several counties to vote at said election for such persons as may entertain the opinions expressed in the foregoing resolutions as members of the House of Delegates of our State.

7. *Resolved*, That it is the imperative duty of our citizens to maintain the Constitution and the laws made in pursuance thereof and all officers thereunder acting in the lawful discharge of their respective duties.

8. *Resolved*, That, in the language of General Washington in his letter of the 17th of September, 1787, to the President of Congress, "in all our deliberations on this subject we keep steadily in view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our property, felicity, safety and perhaps our national existence." Therefore, we will maintain and defend the Constitution of the United States and the laws made in pursuance thereof and all officers acting thereunder in the lawful discharge of their respective duties.

CARLILE PROPOSES IMMEDIATE SEPARATION.

Mr. Carlile said that, with a view of ascertaining and harmonizing the sentiments of the Convention, he had drawn up a resolution which he desired to submit. He understood he thought one thing at least, that it was the unanimous determination of this body to consent under no circumstances to their transfer to the so-called Southern Confederacy. The only diversity amongst them was as to the means of resistance—the means by which this determination could be made effectual. Of course, the proposition he should submit would come with no authoritative expression of opinion, but just as if emanating from any other member of the body. It was, however, the result of many long and well-considered and well-matured opinions and convictions. They were given shape and form this morning after a night spent without sleep. Mr. Carlile read his resolution as follows:

Resolved, That the Committee on State and Federal Relations be instructed to report an ordinance declaring that the connection of the counties in this State composing the Tenth and Eleventh Congressional districts, to which shall be added the county of Wayne, with the other portions of the State is hereby dissolved, and that the people of the said counties are in the full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State in the United States and subject to the Constitution thereof; and that the said Committee be instructed to report a constitution and form of government for said State, to be called the State of New Virginia; and also that they report a declaration of the causes which have impelled the people of the said counties thus to dissolve their connection with the rest of the State, together with an ordinance declaring that said constitution and form of government shall take effect and be an act of this day when

the consent of the Congress of the United States and of the Legislature of the State of Virginia is obtained, as provided for by Section 3, Article IV of the Constitution of the United States.

AND OPENS THE DEBATE.

Mr. Carlile was about to proceed with an explanation when he was called to order by Mr. Willey, who raised the point that every proposition like this must be referred without debate or further explanation.

Mr. Carlile replied that they had adopted a resolution in the Richmond Convention by which all resolutions touching Federal relations were to be referred "without debate;" and yet the Convention was engaged for weeks in the discussion of resolutions of instruction to that committee. This was a resolution of instruction; and even if it were but one of inquiry, the resolution adopted yesterday did not prevent debate on it. There were very good precedents for the course he proposed.

COLONEL WHEAT PROTESTS.

Mr. Wheat regretted Mr. Carlile should try to forestall the action of the Convention. The resolution instructed the committee to make a specific report involving questions of great magnitude, instructing the committee to report an ordinance to establish an independent government within the State of Virginia. He presumed the Convention was not unprepared to meet that question, but this was not the proper mode by which to do so.

Mr. Carlile said, with a view to conciliation and harmony, he would put his resolution in the shape of one of inquiry.

GENERAL JACKSON WILL NOT STAND IT.

General Jackson said if this proposition was to be entertained for a moment, he would take his hat and leave the hall, and the delegation from Wood would go with him. General Jackson had moved an adjournment but had withdrawn it to permit Colonel Wheat to speak. He now insisted on his motion to adjourn.

The chair ruled that Mr. Carlile was entitled to explain his resolution to be submitted to the committee. General Jackson did not execute his threat to leave the Convention.

Mr. Carlile, resuming, said that it was due to a correct understanding on the part of the country and to the position he occupied before the country, that he be permitted to make an explanation.

It is represented, he said, that a proposition looking to a separate State government is revolutionary. I deny it. It is the only legal, constitutional remedy left this people if they do not approve of the action of the Virginia Convention. Like the gentleman from Monongalia, I desire to exhaust all legal and peaceful remedies before we are compelled to the ultima ratio of nations. But can there be anything revolutionary in availing ourselves of the constitutional means provided in the organic law of the land for the very purpose of protecting our interests? The Constitution of the United States is also the constitution of Virginia; is the supreme law of the land; is to be obeyed and respected by all, even by the constitutions of the several States. It makes null and void every constitutional provision of a State and every Legislative enactment which is in conflict with it. It provides expressly and in terms plain and unmistakable for the separation of a State and the erection of a new State within the boundaries of a State out of which the new State is to be formed. Then where is there anything revolutionary in discussing and deliberating, and exercising a privilege thus secured to

us by that instrument? Gentlemen are endeavoring to evade the issue by attempting to excite the fears of men by stigmatizing the exercise of a plain and constitutional right as revolutionary. It is a peaceful, legal, constitutional remedy, secured to us by the same instrument which secures us freedom of speech and the right of trial by jury; nor is there anything in this right inconsistent with what gentlemen are pleased to term their "allegiance" to either the State or Federal government. There is no "treason" as gentlemen would endeavor to impress; no perjury, as they have attempted to assume.

It has been said this Convention was called for consultation. It happened to be the speaker's pride that he had had the honor to draw up the preamble and resolutions adopted by the meeting in his own county which had resulted in the bringing together of this Convention. Every meeting which had appointed delegates was held in response to those resolutions. Those resolves, among other things, say that this Convention was called "to consult and determine upon such action as the people of Northwestern Virginia should take in the present fearful emergency." That is the call and such is our duty. It contemplated "action" that would keep us in the Union and preserve to us and to our children, and to all posterity, the liberties achieved by the illustrious dead. * * * It is said we are not prepared for such action. When will we be better prepared? If this action be our constitutional right, who will dare to say that anywhere within the limits of this Union any man is authorized to resist such action? Who dare to say that this remedy can be exercised only by virtue of force? We will never be in a state of preparation if we are not now. What means of defense or protection are we likely to have in the next six months that we have not to-day?

Colonel Wheat made the point of order that Mr. Carle by extending his remarks beyond what is known as an explanation was arguing the merits of the proposition contained in his resolution, and opening the door to general

debate while denying to other members the right to reply to his arguments, thus forestalling the independent action of the committee.

Mr. Carlile said he had been explaining the first and most important branch of his resolution, which is the peaceful, constitutional right of this separation, as he had shown by authority. Any gentleman had the same right to discuss the question that he had.

The chair thought Mr. Carlile was now out of order; and Mr. Carlile proceeded to say that he would try to confine himself to an explanation. The resolution, he said, does not contemplate that all action shall be deferred until the country gets into a better state of preparation. He asked when we would be better prepared to avail ourselves of this constitutional right than now? "After the 23d of this month," he said, "it may not be a constitutional right. We will have been transferred to the Southern Confederacy; and the Constitution of the United States under the theory of those who advocate this doctrine of withdrawing from the Union at will, will no longer shelter and support us; and if every member of the Legislature of Virginia and every man, woman and child in the State were willing for our separation, the separation could not be made without the consent of the Montgomery government; and that could be obtained only by treaty and negotiations by ministers on the part of the two governments, hostile as they are and as they may remain; and no treaty negotiations can ever be had until the hostility ceases and the Southern Confederacy is recognized by the government of the United States."

At this point, William Lazear, of Monongalia, interrupted to say that it would certainly be better to leave the discussion of this until the report of the committee. The chair said he felt compelled to arrest the discussion now; and soon thereafter the Convention took a recess.

REPORT FROM THE COMMITTEE.

On reassembling in the afternoon, George McC. Porter, of Hancock, reported on behalf of the Committee on State and Federal Relations a series of resolutions comprising those offered in the morning with the addition of the following:

Resolved, That in view of the geographical, social, commercial and industrial interests of Northwestern Virginia, we pronounce the policy of the Convention in changing the relation of the State to the Federal Government and annexing us to the Confederate States unwise and utterly ruinous and disastrous to all the material interests of our section, severing all of our social ties and drying up all the channels of our trade and prosperity.

Resolved, That should the ordinance of secession be adopted, then we recommend to the several counties here represented and all others disposed to cooperate with us to hold elections at the several precincts therein on the 4th day of June, 1861, for delegates to a general convention to be held at Wheeling on the 11th day of June, 1861, to devise such measures and take such action as the safety and welfare of Virginia may demand; each county to appoint a number of representatives to said convention equal to double the number to which it will be entitled in the next House of Delegates; and that the Senators and delegates to be elected on the 23rd inst. to the next General Assembly of Virginia by the counties referred to be declared members of said convention.

Resolved, That inasmuch as it is a conceded political axiom that government is founded on the consent of the governed and

is instituted for their good, and it cannot be denied that the course pursued by the ruling power in the State is utterly subversive and destructive of our interests, we believe we may rightfully and successfully appeal to the proper authorities of Virginia to permit us peacefully and lawfully to separate from the residue of the State and form ourselves into a government to give effect to the wishes, views and interests of our constituents.

Resolved, That the public authorities be assured that the people of the Northwest will exert their utmost power to preserve the peace, which they feel satisfied they can do, until an opportunity is afforded to see if our present difficulties cannot receive a peaceful solution; and we express the earnest hope that no troops of the Confederate States be introduced among us as we believe it would be eminently calculated to produce Civil War.

Resolved, That * * * * * be appointed a committee to prepare an address to the people of Virginia in conformity with the foregoing resolutions and cause the same to be published and circulated as extensively as possible.

Mr. Carlile moved to recommit the report with instructions; and after reading the resolution which he had offered in the morning, proceeded to address the Convention at considerable length, urging that some action be taken more effective than the mere adoption of resolutions.

THE SPECTRE OF TREASON.

He was followed and replied to by Mr. Willey, who said the proposition brought forward by Mr. Carlile was in violation of the law; that it was treason not only against the constitution of Virginia but against the Constitution of the United States; and that the action proposed would of necessity bring on war in our midst.

At the opening of the third day's session, Mr. Carlile obtained leave to add to the resolution offered by him the day before, a provision that the ordinance therein proposed should be submitted to the people at the election to be held on the 23d inst.

A member whose name the reporters did not get offered for reference a resolution suggesting the propriety of adopting the present constitution and laws of Virginia and recommending the election of delegates to a Convention to revise the constitution and organize a separate State; that the Convention at once organize a provisional government by choosing three persons to constitute a committee of safety, who should exercise the constitutional powers of the Governor and Council of Virginia until a complete reorganization could be effected; and requesting the Federal government to establish a line of military posts from Harper's Ferry up the Shenandoah Valley through to the Tennessee line and up the great Kanawha. The reading of the resolution excited considerable merriment.

TRIPLE-PLATED TREASON.

Mr. Willey now obtained the floor and proceeded to address the Convention. He opposed the organization of a provisional government. The plan of procedure proposed by Mr. Carlile, he said, would be "treason against the State government, the government of the United States, and against the government of the Confederate States of America." He urged that it would inevitably bring war and ruin upon this part of the State. He protested against such action and asked for the mode of redress proposed in the resolutions of the committee. He would never lend

himself to an insurrectionary or unconstitutional means of accomplishing an object which he thought could be accomplished according to law.

Daniel Polsley, of Mason, spoke in favor of separation. He was not terrified by the cry of "treason" that had been raised here. If there was any treason in the matter, they had already committed it. He held they had a right to establish a provisional government here for the entire State.

John J. Jackson, Jr., moved that the Convention go into secret session. Mr. Peirpoint hoped this would not be done. Mr. Carlile was willing to vote for the proposition if deemed advisable. John R. Hubbard spoke against it. It would be but imitating the star-chamber Convention at Richmond. General Jackson wanted the motion withdrawn. Mr. Burdett trusted it would not be withdrawn. He believed in fighting the devil with fire and favored going into secret session.

Mr. Jackson withdrew the motion; and Mr. Peirpoint obtaining the floor addressed the Convention in favor of the plan proposed by the committee, and in opposition to the plan proposed by Mr. Carlile. In the course of his remarks, referring to Mr. Carlile, he said it seemed all other gentlemen were to be driven from the field.

Mr. Carlile protested that nothing he had either said or done warranted any such remark.

Mr. Peirpoint said there would soon be any amount of men and money here to protect Union men in Northwestern Virginia. Mr. Carlile asked him to give his authority for the statement. Mr. Peirpoint was about to do so, but on suggestion of several gentlemen refrained. Mr. Carlile said he did not ask out of any doubt as to the

truthfulness of the statement. He had understood Mr. Peirpoint to mention it as a mere supposition. He added that it had been charged that he had been at Washington recently engaged in procuring arms and that the 2000 rifles now here had been obtained through him. These arms, he said, had been procured by a delegation from Brooke County.

PEIRPOINT IS PIQUED.

Mr. Peirpoint had alluded to manifestations on the part of the spectators while he was speaking as "an outside pressure," and said they were endeavoring by such expressions to intimidate the gentlemen in the Convention. Colonel Wheat at this rose and said he had lived here all his life and knew well the temper of his fellow-citizens in this city. He was sure Mr. Peirpoint did them injustice. In the afternoon session, Peirpoint expressed his regret that he should have exhibited any undue warmth in his morning remarks and apologized for it.

During the afternoon, Mr. Carlile submitted as a further amendment to his proposition the following:

And that said Committee also provide in the event of the ratification of the ordinance of secession for the assembling of this Convention on the first Monday in June next to adopt a constitution and form of government for the said counties, if in their opinion it is premature at this time to adopt said constitution and form of government.

Mr. Carlile said he offered this in deference to the views of others, not that he had in the least changed his own opinion heretofore expressed.

Mr. Latham offered a series of resolutions, as a kind of middle ground. They went to the committee, but did not get into the hands of the reporters.

THE DOGS OF WAR.

In the evening session Mr. Burdett read a telegram from his town saying: "The dogs of war are about; look out for State troops." He expected a letter by night train giving him details. Ever since the assembling of the Convention he had tried to impress upon them his conviction that before the 23d of the month more of the Northwest not already so occupied would be visited by Southern troops. The *Baltimore Sun* had intimated that Virginia intended sending out here five thousand troops, but had been advised by an officer of the Confederate government not to do so. He had thought that perhaps he was the only crazy man in this body, but he believed the Convention would see within twenty-four hours the necessity for immediate action.

John J. Jackson, Jr., said he was not afraid of Letcher's dogs of war. Let them come and they would get a warm reception.

At 5 p. m. the Committee on State and Federal Relations not being ready to report, the Convention was addressed by George R. Latham, of Taylor.

On reassembling at 7 p. m., Campbell Tarr, chairman of the committee, presented their report as follows:

THE COMMITTEE SUMS UP.

Resolved, That in our deliberate judgment the ordinance passed by the Convention of Virginia on the 17th of April, 1861, known as the ordinance of secession, by which said Convention undertook in the name of the State of Virginia to repeal the ratification of the Constitution of the United States by this State and to resume all the rights and powers granted under said Constitution, is unconstitutional, null and void.

Resolved, That the schedule attached to said ordinance suspending and prohibiting the elections of members of Congress for this State, is a manifest usurpation of power to which we ought not to submit.

Resolved, That the agreement on the 24th of April, 1861, between the commissioners of the Confederate States and this State, and the ordinance of the 25th of April, 1861, approving and ratifying said agreement, by which the whole military force and military operations, offensive and defensive, of this Commonwealth are placed under the chief control and direction of the President of the Confederate States upon the same principles, basis and footing as if the Commonwealth were now a member of said Confederacy, and all acts of the executive officers of our State in pursuance of said agreement and ordinance, are plain and palpable violations of the Constitution of the United States and are utterly subversive of the rights and liberties of the people of Virginia.

Resolved, That we earnestly urge and entreat the citizens of the State everywhere, but more especially in the Western section, to be prompt at the polls on the 23rd inst. and to impress upon every voter the duty of voting in condemnation of the ordinance of secession, in the hope that we may not be involved in the ruin to be occasioned by its adoption and with a view to demonstrate the position of the West on the question of secession.

Resolved, That we earnestly recommend to the citizens of Western Virginia to vote for members of the Congress of the United States in their several districts, in the exercise of the right secured to us by the Constitution of the United States and of the State of Virginia.

Resolved, That we also recommend to the citizens of the several counties to vote at said election for such persons as entertain the opinions expressed in the foregoing resolutions for members of the Senate and House of Delegates of our State.

Resolved, That in view of the geographical, social, commercial and industrial interests of Northwestern Virginia, this Convention are constrained in giving expression to the opinion of their constituents to declare that the Virginia Convention in assuming to change the relations of the State of Virginia to the

Federal government have not only acted unwisely and unconstitutionally but have adopted a policy utterly ruinous to all the material interests of our section, severing all our social ties and drying up all the channels of our trade and prosperity.

Resolved, That in the event of the ordinance of secession being ratified by a vote, we recommend to the people of the counties here represented, and all others disposed to co-operate with us, to appoint on the 4th day of June, 1861, delegates to a general convention to meet on the 11th of that month, 1861, at such place as may be designated by the committee hereinafter provided, to devise such measures and take such action as the safety and welfare of the people they represent may demand, each county to appoint a number of representatives to said convention equal to double the number to which it will be entitled in the next House of Delegates, and the senators and delegates to be elected on the 23rd inst. by the counties referred to, to the next General Assembly of Virginia and who concur in the views of this Convention, to be entitled to seats in said Convention as members thereof.

Resolved, That inasmuch as it is a conceded political axiom that government is founded on the consent of the governed and is instituted for their good, and it cannot be denied that the course pursued by the ruling power in the State is utterly subversive and destructive of our interests, we believe we may rightfully and successfully appeal to the proper authorities of Virginia to permit us peaceably and lawfully to separate from the residue of the State and form ourselves into a government to give effect to the wishes, views and interests of our constituents.

Resolved, That the public authorities be assured that the people of the Northwest will exert their utmost power to preserve the peace, which they feel satisfied they can do, until an opportunity is offered to see if our present difficulties cannot receive a peaceful solution; and we express the earnest hope that no troops of the Confederate States will be introduced among us, as we believe it would be eminently calculated to produce Civil War.

Resolved, That, in the language of Washington in his letter of the 17th September, 1787, to the President of Congress: "In all our deliberations on this subject we have kept steadily in

view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety and perhaps our National existence." And therefore we will maintain and defend the Constitution of the United States and the laws made in pursuance thereof and all officers acting thereunder, in the lawful discharge of their respective duties.

Resolved, That * * * * * be a Central Committee, to attend to all matters connected with the objects of this Convention, and that they have power to assemble this Convention at any time they may think necessary

Resolved, That the Central Committee be instructed to prepare an address to the people of Virginia in conformity with the foregoing resolutions, and cause the same to be published and circulated as extensively as possible.

NO TIME TO DELIBERATE.

The report having been read, and the hour being late, Daniel Polsley, of Mason, suggested that instead of acting on it to-night it be laid on the table and printed, in order that every member might have an opportunity to examine it.

GENERAL JACKSON'S CORN-PLANTING.

To this General Jackson objected. He wanted to go home. It was corn-planting time.

Mr. Carlile said he was satisfied nothing more than was now incorporated in the report could be obtained from the Convention at this time; and he was happy to state that since the evening adjournment a resolution had been adopted by the committee which he regarded worth all the rest and which would in a short time realize all their hopes of a New Virginia. He referred to the resolution providing for the appointment of a committee possessing all the powers this Convention could exercise so far as they could be exercised by a committee.

REPORT ADOPTED.

The question was then put on the adoption of the report and there appeared to be but two dissenting voices. The announcement that the report had been adopted was received with tremendous cheering.

CENTRAL COMMITTEE.

The Central Committee provided for in the report were announced by the chair as follows: John S. Carlile, James S. Wheat, Francis H. Peirpoint, Campbell Tarr, George R. Latham, Andrew Wilson, S. H. Woodward, James W. Paxton.

FIRE-WORKS.

Several gentlemen were called for and speeches were made from the stage by General Jackson, Carlile, Willey, Peirpoint and others. Mr. Carlile in the course of his remarks expressed the belief that "upon us of Western Virginia and upon our efforts depends to a very great extent the restoration of harmony to the whole of our beloved land" and the preservation of its institutions. He believed that preservation was to be secured by and through "the agency of this portion of Virginia—by and through the erection of a new State."

Mr. Willey, in his address, declared his willingness to lay his life on the altar of his country. He said his "soundness on this question" had been "misapprehended in this good city of yours," while in fact his constitution had been broken "by the anxiety of the struggle of the last

two and a half months for the perpetuity of that very Union for a want of fidelity to which I am suspected at this time." When the laws and the Constitution should fail and "the great legitimate agency of republican liberty is not sufficient to bring about the revolution that is to secure us our just rights at the ballot-box," he was "ready to stand among the foremost of those here to-day to suspect me." He thought if they could have two weeks longer until the election, they could "knock the ordinance into a cocked hat." The first thing to do was to kill the ordinance on the 23d. He concluded with a poetical quotation about the flag ("Forever float that standard sheet," etc.) that brought down the house.

Prayer was then offered, the Star-Spangled Banner sung, and, with cheers "for the Union," the Convention adjourned, as the newspaper report of the day said, "in a blaze of enthusiasm."

WHO DID IT?

Long after this Convention and other conventions had done their work—when the work itself had been approved and had proven successful beyond the most sanguine anticipation—it became a question: Who had struck the first spark from the flint? Who was entitled to the credit of first suggesting the constituent Convention which met in June and took up the work of reorganizing the government of Virginia? It was claimed for John H. Atkinson, of Hancock, that the eighth resolution in the report of the committee, substantially as it appeared in the report, had

been first drawn by him. Mr. Atkinson's biographer in "Prominent Men" states that "if the papers of the Convention are still in existence, the original of the resolution as it appears in the committee's report will be found in Mr. Atkinson's hand-writing." Governor Peirpoint, who was a member of the committee, in a letter to Senator Willey, to be referred to more particularly again, says this resolution was drawn by himself. The original papers ought to be among the archives of the Restored Government at Richmond. Judge Cranmer, of Wheeling, who was one of the secretaries of the May Convention and retained the papers, and secretary of the June Convention also, sent the papers of these bodies to Alexandria, by Governor Peirpoint's direction, when the archives of the Restored Government were removed thither. As recently as November, 1901, the author tried to obtain from the Secretary of the Commonwealth at Richmond the original of this resolution or a photograph of it, but was not successful.

REVIEW BY "ARCHIE" CAMPBELL.

In the *Wheeling Intelligencer* of April 14, 1897, appeared an article of several columns written by A. W. Campbell, former editor of that paper, describing a two-days' visit with Governor Peirpoint, at his home in Fairmont, and detailing conversations with him, relating almost wholly to the historical episode of 1861 in which the Governor bore an important part. Mr. Campbell states that Peirpoint early made up his mind that the people of Western Virginia must find refuge, if anywhere, under

the 4th section of Article IV of the Constitution of the United States, which reads: "The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion and, on application of the Legislature, or of the executive when the Legislature cannot be convened, against domestic violence." Mr. Campbell does not, however, further elucidate Peirpoint's idea, if the latter had then followed it out to the result afterwards reached. The vital prerequisite to an application of this article was a Legislature and executive who would be recognized by the President and Congress. This was the basic concept of the Western organization; and the first suggestion leading up to this seems to have come from John D. Nichols, of Wellsburg, so far as indicated by anything made public. Mr. Campbell says Peirpoint brought his idea to the May Convention, but was disappointed to find it did not impress others as it did him, doubtless for the simple reason that he was not yet able to show how it could be made available.

WILLEY'S TRIPLE TREASON.

In the course of his article, Mr. Campbell makes Mr. Willey's "triple-treason" speech in the May Convention the subject of the following comment:

Perhaps it was Mr. Willey's remarkable speech early in the May sitting that made the committee and the Convention cautious as to the exact verbiage of their final address to the people. He made what was known then and ever since as a "triple-treason" speech. That is, he in antagonism to Mr. Carlile and all the rampant element warned the delegates that they were

about to commit "triple-treason"—treason to the United States, treason to John Letcher & Company and treason to the Southern Confederacy, into which Confederacy Virginia had been merged on the 25th of April by the Virginia State Government in advance of a popular vote on the ordinance of secession.

That remarkable speech of Mr. Willey's threw a chill over the delegates and over the people who thronged the lobbies. It was construed as the advocacy of a do-nothing policy; as meaning that everybody's neck and everybody's property would be at their own risk if they did aught more than vote against the ordinance. Never did a man do himself greater injustice than did Mr. Willey in that particular utterance. In a subsequent speech he complained that he had been misunderstood, misinterpreted, and even suspected of disloyalty to the Union cause, in reference to which suspicion he avowed his willingness to lay down his life for the Union. But to this day, no one has ever satisfactorily explained to that audience how the people of Western Virginia could commit treason to the United States and to the Southern Confederacy at one and the same time.

WILLEY BRINGS UP HIS RESERVES.

Mr. Willey seems to have felt restive under this treatment of the matter; for four days after this appeared he addressed a letter to the *Intelligencer* stating that in July, 1866, he wrote to Governor Peirpoint, then in the executive chair at Richmond; "asking if he would have any objection to give me a statement of his personal recollection of the proceedings at said mass-meeting and especially if he remembered how I came to be present on that occasion and what part I took in said proceedings." Governor Peirpoint replied, with permission to publish; but Mr. Willey says he laid the letter aside "reserving it for publication whensoever an appropriate occasion should present itself." Evidently conceiving that the occasion had

arrived, Mr. Willey now transmitted a copy of the Governor's letter, and it was printed in the *Intelligencer* immediately following his own.

PEIRPOINT GIVES CERTIFICATE.

Governor Peirpoint begins the letter by stating that a few days before the meeting of the May Convention he met Mr. Willey at Fairmont, who had been at or was going to Farmington to see his father "who was then very ill or thought to be at the point of death." The Convention became the topic of conversation and there was a concurrence of opinion adverse to "the project to be proposed by Mr. Carlile"—concerning which it thus appears these gentlemen were informed, in advance of the public, for nothing had then been disclosed regarding any plan of Mr. Carlile's beyond what appeared in the Clarksburg call: "To consult and determine upon such action as the people of Northwestern Virginia should take in the present fearful emergency." "From the state of your health," Mr. Peirpoint says, "you thought it out of the question to attend the Wheeling Convention; that nothing but affection, or perhaps the last tribute to your aged father, had induced you to leave home at that time. You had with great pain traveled from Morgantown to Fairmont. You looked so weak that I thought it almost wrong to urge your attendance; but I knew that Mr. Carlile had the prestige of calling the Convention, and the prominence he had gained at Richmond would make his influence great among the members, and I fully appreciated the importance of defeating his project. You concurred and you attended the Convention with health little improved."

PEIRPOINT CLAIMS THE AUTHORSHIP.

Concerning what transpired in the Convention, Governor Peirpoint continues:

Daniel Lamb, George McC. Porter and myself were made a sub-committee of the Committee on State and Federal Relations to make a report on the resolutions submitted. Lamb and Porter took the resolutions and I made out the report of the Committee. I drew up the resolution providing for a convention to assemble on the 11th day of June, fixing the representation, providing for an executive committee and also requiring the executive committee to appoint a central committee in each county to superintend and certify the election of delegates to the Convention. These resolutions I read to Lamb and Porter, and put them in my pocket. They were not reported to the Convention by the Committee. The time, in my opinion, had not arrived for their presentation to the Convention.

SO DOES JOHN H. ATKINSON.

The resolution thus described by Peirpoint as having been drawn by him providing for the June Convention is the one claimed to have been written by Mr. Atkinson. Not content to leave the matter in doubt, I wrote to Mr. Atkinson, still living at New Cumberland, and received reply under date of May 7, 1900, in which he says:

It is true that in the May Convention at Wheeling, in 1861, I drafted the resolution of which you write. Probably no more determined body of men ever met to consult of their duties than those who assembled in the hall opposite the McLure House. Their earnestness gave rise to much difference of opinion—some bold, some irresolute, but all anxious to meet the emergency of the hour. Some favored a new State by cutting loose at once from Old Virginia. Others feared a double treason—treason against the Union and treason aga'nst Virginia.



JOHN H. ATKINSON.

During the recess on the second day, the delegation from Hancock was called together, and I laid before them the following resolution, which was unanimously adopted and sent to George McC. Porter, our member upon the Committee.

Mr. Atkinson then gives the resolution as it appears in the committee's report, and adds:

This resolution was adopted by the Committee and laid before the Convention, where the blank dates were filled and adopted without a dissenting vote, and was printed upon the tickets we voted May 23, 1861.

I had before laying this resolution before the delegates shown it to Daniel Polsley, an old friend who had long edited a paper in Brooke County. He assured me that it coincided

with his views and that he would advocate it in the Convention. I do not remember to have seen the letter of Governor Peirpoint in the *Intelligencer*; but Campbell knew I was the author, and this was only one of many positions we took in common during the war.

CARLILE GETS A CHILL.

Let us pursue Governor Peirpoint's letter, leaving the question of the authorship of the resolution for the reader to determine with these opposing statements before him. He proceeds to describe the proceedings of the Convention, including Mr. Willey's address on the third day warning the members that Mr. Carlile's programme would be treasonable. Before the opening on the third day Peirpoint learned, he says, that a canvass of the delegations made the night before and that morning showed three-fourths of the delegations in favor of "Carlile's project." Mr. Willey's speech that morning was followed by addresses by Tarr and Polsley, and they by Peirpoint, who went upon the stage and spoke an hour and a quarter. "After dinner," says the Governor, "I proceeded with my remarks, but I had not spoken more than ten minutes when Mr. Carlile came and proposed to withdraw his substitute and recommit the whole subject to the committee on resolutions, which was agreed to." * * * "During the recess the same parties who had taken the sense of the delegations in the morning again canvassed the delegations and found they were then as strongly opposed to Mr. Carlile's project as they had been in favor of it in the morning." The Governor leaves it open to doubt whose speech it was—or whether all—that had wrought the

change. But Mr. Willey, in printing the Governor's letter, appropriates the credit by here interjecting between parentheses an extract from a letter from Hon. George R. Latham, who wrote from the House of Representatives July 20, 1866:

Having had the honor of a seat in the Convention referred to and having been much interested in Mr. Carlile's proposition because opposed to it and fearing exceedingly the consequences of its adoption, I think I speak what I know when I say that upon the conclusion of Mr. Carlile's explanation of his proposition two-thirds of the Convention regarded it with favor, and I am thoroughly convinced that a majority would have voted for it until after the very able argument, etc."—

where Mr. Willey ends the quotation. But the preceding extract from Mr. Campbell indicates the fact correctly, I think, that Mr. Willey's speech holding up the spectre of treason had much to do with changing the feeling away from Carlile. It was a cold douche to the ardor of the Convention.

Governor Peirpoint continues his recital:

I met Mr. Carlile before he left the hall and showed him my resolution for the June convention. He declared it met his views and asked why I had not showed it to him before. I told him I had submitted the proposition to him the evening before the Convention assembled, but he would not agree to it.

When the committee reassembled in their room, I submitted to them for the first time the resolution calling for the June Convention. You were present and gave your hearty concurrence to the project and suggested a single alteration. As soon as the attention of the committee was fixed on the subject of a convention to take place after the ordinance of secession should have been voted on it was agreed to without a dissenting voice. Mr. Carlile came into the committee room during the sitting and stated that he would withdraw his assent and should still

insist in the Convention on the adoption of his proposition. The resolutions as first reported, with some verbal amendments, were reported to the Convention, also the resolution calling for a future Convention. I believe they were concurred in by all the committee except Mr. Carlile. The committee of safety was also designated in the report, which the Convention adopted with great spirit. I believe there were but two dissenting voices.

I think it proper for me to state in this connection that the subject of a future convention was not discussed in the Convention. Neither Mr. Porter nor Mr. Lamb had addressed the Convention. They were the only persons except myself that knew such a proposition would be made. I did not allude to it in my remarks to the Convention. I did not think the time had arrived for the presentation of the resolution to the Convention nor did I think it proper to allude to it.

Mr. Carlile's proposition was opposed by you and myself purely on the ground that it was illegal and unconstitutional; that neither Congress nor the administration at Washington could sanction it; that we had neither State nor United States authority for such a proceeding; and that it would place all who participated in it in a false position, adding trouble to trouble, or, as you expressed it making triple-treason.

Governor Peirpoint added the following postscript:

It is due to you to say that I understand that immediately after the passage of the ordinance of secession you wrote to your constituents at Morgantown informing them that they must prepare for the worst—for resistance at all hazards—that there would be war.

THE JUNE PROGRAMME.

Concerning the purposes of the June Convention, Mr. Campbell in the article detailing his conversations with Governor Peirpoint says:

It had not been deemed best to announce in advance that the convention summoned to meet on the 11th of June would proceed to formally declare the government at Richmond dead

in office. The programme was for the June Convention to meet under an authorization of the people to take such action as might be necessary to meet the exigencies—to prevent anarchy and protect life and property. Everybody, however, understood before the election of June 4th that this meant the superseding of the Richmond government. It meant that loyal Virginia was to invoke the political as well as the military aid of the United States under the 4th section of Article IV alluded to.

A THIRTY-YEAR WAR.

The peculiar thing about this correspondence between Governor Peirpoint and Mr. Willey, which must strike the reader when dates and other circumstances are considered is that Mr. Willey should have asked the Governor for such a testimonial of good intentions—for that is what it amounts to; and that having obtained it, he should have held it in reserve for more than thirty years, waiting apparently for somebody to attack him, as he evidently conceived Mr. Campbell had done in the “triple treason” extract quoted in the foregoing.

THE ORIGINAL RESTORER.

Another interesting question, after the June Convention had laid the groundwork for the reorganization of the State, was: Who had been first to suggest the theory of original rights in the people—the “legislative powers incapable of annihilation,” referred to in the Declaration of Independence, upon which the restoration of civil government rested? Granville Parker claims it for John D. Nichols, a young lawyer of Wellsburg. Mr. Parker was told by Mr. Nichols that “in a private consultation by citizens of Brooke, Adam Kuhn, Joseph Gist, Campbell Tarr,

Nathaniel Wells, Daniel Palmer and himself present, and also Daniel Polsley, of Mason, he made this suggestion: that since Governor Letcher and other State officers, adhering to the pretended secession ordinance, had forfeited their powers, and the existing constitution made no provision for such a case, the only way was to ask the people—the only source of power—to send delegates to a convention with power to supply their places with loyal men;” that the suggestion was approved by others present, and that it was put in shape by Daniel Polsley, who presented it to the meeting, which adopted it with unanimity and appointed delegates to the June Convention in pursuance of this idea.

CHAPTER IX.

THE CENTRAL COMMITTEE—THE ELECTION—THE MILITARY JOINS THE ISSUE.

THE WISDOM OF THE CONVENTION.

Touching the work of the Convention, the *Intelligencer* of the 18th made this comment:

The Committee in their final report struck exactly the happy medium that always lies between two extremes, and accomplished, in our judgment, all that it was either prudent or possible for them to accomplish. Many of the members were firmly persuaded that an immediate severance of the loyal Northwest from the disloyal portions of the State was the only effectual way to stop the contagion of rebellion; in other words what the surgeons call a heroic policy. And this policy had some good reasons; but it had also its insuperable objections. * * * The one crowning feature is the Central Committee that it provides for; and that committee has been made a power and a life by the kind of men who have been placed on it. All that could have been wisely accomplished by the Convention remaining in session for a month has been done in the resolutions and the organization of the Central Committee.

THE CENTRAL COMMITTEE EXHORT.

The Central Committee went vigorously to work to get into communication with the county organizations and prepare the machinery for bringing out the full anti-secession vote on the 23d. They printed in the newspapers on the 21st and scattered broadcast in pamphlet an address to the

people of Northwestern Virginia on the crisis. This document was more an exhortation than an argument. It conjured the people to enter at once upon the work of preparing their friends and neighbors for the stand to be taken against the usurpation at Richmond. They should not permit themselves to be dragged into a rebellion inaugurated by heartless and ambitious men banded together to destroy the government. Secession had been consummated in secret conclave by reckless men in contempt of the expressed will of the people; it meant bankruptcy, ruin, Civil War ending in military despotism. Business of every description was already paralyzed, all credit prostrate. Secession in a word was war. It had been preceded and precipitated by acts of war, and the war was now upon them. It was their first duty to repudiate the tyrannical rule the Richmond Convention was attempting to impose on them, and to resist the usurpation of the powers of the Commonwealth; and to make resistance available, they were urged to act in the spirit of the resolutions adopted by the May Convention and accompanying this address. The Convention to assemble June 11th was looked to to organize their action; and they should take immediate steps to be represented in that body by their most resolute, temperate and wisest men. It was no time to stop and count costs when self-preservation was in issue. If they hesitated all would be lost. The paper did not attempt to argue the question of secession, but simply recognized the emergency already upon them which must be met at once. It was written by Mr. Carlile, in his most fervid tone of appeal, adapted to the then excited state of popular feeling.

AND THEN ARGUE.

Six days later, the committee issued another and more lengthy address, devoted chiefly to a discussion of the legality of secession; concerning which the popular apprehension was not then so clear as it became afterwards. As this matter has already been fully traversed in a preceding chapter, we will not follow the argument here, except to note that the committee laid emphasis on the fact that the Richmond Convention in their alliance with the Confederate States, without waiting for the ratification of the act of secession by the people of Virginia, had not only violated the terms of the act of Assembly under which the Convention had been brought together, but had violated also two articles of the Virginia bill of rights, one of which declared that "the people have a right to a uniform government, and therefore no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof." The Convention had undertaken to give the President of the Confederate States full and instant control of all power and operations, civil and military, in the Commonwealth. It had thus transferred to a foreign power, so far as force could accomplish it, control over even the suffrage of the people of Virginia, and could thus force the ratification of secession against their obvious will.

THE MAY ELECTION.

The general elections, including the vote on ratifying the ordinance of secession, occurred on the 23d. In the immediate Northwest, the vote on the ordinance was

nearly all one way. In the four Panhandle counties the majority against ratification was 6,397; in Ohio County alone 3,300; in twenty-five counties 13,378. In the remoter southwestern counties the vote against ratification was light. It was dangerous to cast such a vote. The conditions in that region are illustrated by a statement made in the Constitutional Convention which sat in Wheeling in the winter of 1861-62, by Robert Hagar, member from Boone County. The Convention was discussing the manner of voting, by ballot or viva voce:

UNION VOTERS COERCED.

In my own county, said Mr. Hagar, from personal acquaintance with nearly all the people in the county, I am convinced that if the mode of voting had been by ballot there would have been 100 to 150 votes against ratifying the ordinance of secession. At the court-house, only one vote was so cast, and the man who cast it had great difficulty to get away with his life. It had been given out by the Secessionists before the election that any man who voted against secession should be hung forthwith. The Union men had agreed that some 40 or 50 of them would go to the polls at the court-house together and vote against ratification; but when they got there they found a drunken secession mob and their hearts failed them. At Big Coal River, in Kanawha, in February the vote was nearly unanimous for the Union candidates. In May, fully one-third of it was for secession, through the influence of one of the leading Secessionists named William Thompson. At Chapmanville, in Logan County, only one man out of fifty Union men present had the courage to cast his vote, and he saved his life only by canceling the vote and having his name erased.

It will be recalled that Virginia's method of voting was viva voce. Mr. Hagar's statement shows how it operated to reduce the vote against the ratification of the ordinance even where there was no Confederate soldiery; so

that whatever the vote actually cast, there was a large suppression of it on one side, and the result was not an expression of the will of the people of Virginia even in the West. The secession authorities at Richmond gave out the entire vote against ratification as only 32,134, most of that cast in the Northwest—the only part of the State where the people were in any degree free to vote their sentiments.

In an address issued by the June Convention, after its adjournment over to August, is the following statement regarding the conduct of this election :

Threats of personal injury and other intimidations * * * were used by the adherents of the conspirators in every county in the State. Judges charged the grand juries that opposition to disunion would be punished as treason against the Commonwealth; and the armed partisans of the conspirators in various places arrested, plundered and exiled peaceable citizens for no other crime than their adherence to the Union. * * * We are not apprised by any official announcement of the vote taken under such circumstances; but whatever the result may be, we denounce it as unfair and unjust and as affording no evidence of the will of the people on the subject actually presented for their suffrages, and much less of their consent to their transfer to the self-constituted oligarchy of the South. * * * The men justly termed conspirators and usurpers because they cannot show you warrant for their acts, were when this Convention met practically in full possession of their branch of the government, and still claim the right to exercise their usurped powers.

THE COURAGE OF HIS CONVICTIONS.

Congressmen were voted for in the two districts in the Northwest, despite the order of the Richmond Convention forbidding it. In Ohio County, one Alexander M. Jacob, one of the justices of the county court, entered a protest

against the action of the court in ordering books to be opened for the election of congressmen. Therein it must be admitted Mr. Jacob showed courage in adhering to the Southern Confederacy in the face of the very large adverse majority around him; and this we are at liberty to admire in the abstract, whatever we may think of his patriotism or his judgment.

SOUTHERN CONFEDERACY ARRIVES.

On the day of the election Confederate troops to the number of about one thousand arrived at Webster from the South on their way to Grafton to rendezvous—"to defend the place," one of them said to a Wheeling gentleman who was at Webster, "against Northern aggression." Already there was a force of two hundred at Fetterman, including William P. Thompson's "Marion Guards;" and there in the evening of May 22d was shed probably

THE FIRST BLOOD OF THE REBELLION.

About 9 P. M., T. Bailey Brown was killed by W. S. Knight. Knight was one of the Confederate pickets stationed on the line of the railroad at the eastern end of the town. Brown, in company with Daniel Wilson, who afterwards became a captain in Colonel Latham's regiment, was returning from Pruntytown, where they had been organizing a Union company. They were commanded by the picket to halt, and thereupon ensued a dispute; and Brown, drawing his revolver, fired at the sentry and slipped his ear. Knight, who had an old-fashioned smooth-bore musket loaded with slugs, returned the fire. One of

the slugs pierced Brown's heart and killed him instantly. Wilson turned and ran; and, not unlike Achilles, received a shot in the heel of his boot.

Ellsworth was killed at Alexandria early on the morning of the 24th; so that Brown's death preceded his by some thirty hours.

CONFEDERATES OCCUPY GRAFTON.

Sunday morning, May 26th, the troops at Fetterman moved up to Grafton, concurrently with the arrival of the troops coming from the South; and they took possession of the town, driving people out of their houses in some cases to make billet for themselves. The Southern soldiers were from Augusta, Fauquier, Pocahontas, Highland and Barbour Counties.

UNION TROOPS GO FORWARD.

On the morning of May 27th, part of a regiment which had been organizing at Camp Carlile, on Wheeling Island, under command of Col. B. F. Kelley, took cars at the Baltimore & Ohio station for Grafton; and at noon the Sixteenth Ohio crossed the river at Benwood, and during the afternoon proceeded eastward for the same destination. About the same time, Ohio and Indiana troops left Parkersburg for Grafton; but on both lines of road the troops were stopped and delayed by the burning of the railroad bridges by resident Secessionists. Thursday, 30th, the advance of Kelley's force reached Grafton to the great joy of the inhabitants. The Confederate occu-

pation had lasted only two days, but it was enough to give the town a keen appreciation of Southern rule, which they were destined never to enjoy again.

CONFEDERATES DO NOT WAIT.

The Confederates stood not on the order of their going when they got warning of the advance of Union troops from two directions. The burning of the railroad bridges by their friends had given them ample time to secure their retreat. Nevertheless, they seem to have been in some haste to depart. The register of the railroad hotel bore the names of a number of prominent Western Virginian Secessionists, opposite some of which the landlord had penciled "Not paid," among them "W. P. Thompson, Provisional Army." Thompson died in New York a year or so ago reputed worth twenty million dollars. One cannot but wonder whether he ever settled that hotel bill.

GENERAL M'CLELLAN PROCLAIMS.

On the morning of the 27th appeared in the public prints two proclamations from General McClellan, in command of the military department, issued from Cincinnati, one addressed to "the Union men of Western Virginia;" the other to the troops under his command, ordering them to "Cross the frontier and enter the soil of Virginia." In view of developments in 1862, when it appeared that instead of being a great general McClellan was only a Democratic politician, paralyzing the largest army the United States had in the field while its commander instructed President Lincoln how to manage the

political administration of the war,—seeking to promote his chance of being elected President by the “peace-at-any-price” party in the North—one cannot but note the peculiar phrasing of this proclamation. There were no “frontiers” in the United States except where our territory bordered Canada and Mexico. The boundaries between States were no more frontiers than those between counties and townships. Had General McClellan already accepted the theory that the Southern Confederacy was a foreign power and Virginia a part of it? The soil of Virginia was simply the soil of a subordinate division of the United States. The Young Napoleon, like many others, had not at that time perhaps realized this truth.

The concentration of Union troops at Grafton, the rout of Porterfield at Phillippa, the summer campaign under Rosencranz which followed—the killing of Garnett and the expulsion of his army from the Northwest—are part of the military history of the time.

COMEDY AT FAIRMONT.

The scenes attending the advance of the troops under Kelley over the Baltimore & Ohio Railroad, as described in the local prints of the time, make entertaining reading. At Fairmont, especially, which was the home of several active and influential Secessionists, who had been threatening their Union neighbors, the consternation was ludicrous. Dr. Zadok Kidwell, the politician; James Neeson, lawyer; Jonathan Haymond, merchant; Alpheus F. Haymond, lawyer and member of the Richmond Convention; Drinkard, editor of the secession paper (the *Virginian*),

and McDonald, his jolly old Irish assistant,—all ran away in most undignified haste, confessing thereby their consciousness of guilt and casting their fortunes with the Confederacy. Neeson was captured by Burdett's friends at Pruntytown, but released by a troop of rebel cavalry fleeing from Grafton; before whom, in turn, Burdett had to run away from Pruntytown and make his way to Grafton for haven. Alph Haymond's part in the exodus may have been due to his anxiety to get back to Richmond to look after Western interests in the matter of ad valorem taxation! After the war he came back, a returning prodigal who had been consorting with the swine of the Confederacy, and throwing himself upon the magnanimity of the West Virginia Legislature was allowed to resume his old place at the bar; and although he had declared in some of his penit'ent letters to members of the Legislature that he would never seek public position again, he became under the ex-Confederate regime, which came in ten years later, a judge of the State Supreme Court.

Concerning the hegira at Fairmont, the *Intelligencer*, summarizing the reports of its correspondents, said editorially:

Poor Kidwell almost went off in the costume of the Georgia major, viz: "a pair of specs and a pair of spurs." He even left his trunk in the street after he had got in his buggy. And the way he got through his stable into the alley! It was too bad. We cannot tell all a correspondent has told us.

As for Neeson, he left in the guise of a doctor; took a pair of saddle-bags with him and when stopped at one of the outposts got through by his urgent professional representations. Somebody was at the point of death and Neeson was their family physician riding post-haste to their relief. When last

heard from he had been arrested at Pruntytown by the Union men but was likely to get away again through the appearance of some secession forces.

Alph Haymond left neither in a buggy nor went off on horse back. He took a few clean shirts, stuffed them in a carpet bag and struck out across a cornfield at a fast gait.

A COLLISION AT CLARKSBURG.

An incident at Clarksburg, as illustrative of conditions just before this movement of troops, may be put down here. It is related that at that place on the 20th of May some sixty or seventy recruits for the Confederate army to rendezvous at Grafton, marched into town from Rome's and other neighborhoods. They were armed with squirrel rifles. They united and marched through the streets, making a rather formidable appearance to unaccustomed eyes. They were under command of Uriel M. Turner, a brother-in-law of Col. Ben. Wilson; Norval Lewis, brother of Hon. Charles S. Lewis; Hugh H. Lee, son of Judge George H. Lee, and William P. Cooper, editor of *Cooper's Clarksburg Register*. The Union men of the town were not dismayed. They rang the tocsin with the court-house bell, and in a few minutes the two Union companies under Capt. A. C. Moore and Capt. John C. Vance formed in line, with what guns they could lay hands on, ready for action. The display they made frightened the rebel recruits, who withdrew and sent word that if not attacked they would surrender their arms. The proposal was accepted, the arms surrendered, Union sentries posted to guard the town, and the unarmed recruits left for a more salubrious climate, which it is presumed they found at Grafton, Phillippa and farther South. This is the story as told by a correspondent at the time.

THE RIGHTER TRAGEDY.

In the same connection may be related a tragic incident which occurred on the border of Marion and Harrison a month later, which has not found a place in the military records of the times. Peter B. Righter, a wealthy farmer and grazier, lived in a handsome residence on Koon's Run, some two miles from the West Fork of the Monongahela and four miles northeast from Shinnston. He was a hot Secessionist and made his place a rendezvous for the Secessionists in the surrounding country, among whom his son was organizing a company for the Confederate service. Some of the Union neighbors became alarmed at the numbers and demonstrations of these nightly gatherings, especially after the owner of an adjoining farm, Henry R. McCord, who afterwards became lieutenant in the Twelfth Union Regiment, had been shot at by some of them. Complaint was made to the Union commandant at Clarksburg. What happened there is described in a letter written from Shinnston June 22, 1861, to one of the Harrison County members in the June Convention then sitting at Wheeling:

Yesterday, a detachment under Captain Cable, of Company I, Twentieth Ohio, arrived here from Mannington via Hessville and Lumberport, at which places they took several prisoners. Shortly after nightfall, Cable detached a squad to go down to Righter's under guidance of two of our citizens. On arriving at Righter's house, Cable left his men in the yard and advanced to the door but could not get admittance. In a few moments a signal was heard at the back of the house and instantly seventy or eighty rebels who had been collected and concealed by Righter rushed around the corner of the house and fired on Cable and

his men, wounding one in the breast, another in the arm, and wounding John Nay (one of the guides) very badly in the groin. On this attack the troops fired and dispersed, leaving Nay and the man wounded in the breast lying on the ground. They were afterwards carried to the house of Nay's father about a half mile from Righter's. The man wounded in the arm is at your house; the one wounded in the breast has since died. The ball has been extracted from Nay's wound and it is thought he will recover.

Before daylight this morning, Cable despatched messengers to Clarksburg and went himself to Fairmont. He returned about noon to-day with about 250 men and went on to Righter's, great numbers of our citizens accompanying. They found the premises deserted. The troops entered the house and appropriated everything that they thought would be useful. Then they set fire to the house (which you know is one of the finest in this section of country), to the stables, barns and all the out-buildings, and they were consumed in one general conflagration. I was present and witnessed it. Then they took all the horses on the farm and several wagons and buggies, loaded the wounded men into them and moved to Mannington. * * * One incident occurred at Righter's at the sacking of their premises which I must not omit. Our troops had prisoner one Banks Corbin. While they were guarding him, he being on horseback started off as if to escape. They commanded him to halt twice, but he paid no attention. They again told him to stop or they would shoot him from his horse. Instead of complying he put spurs to his horse and attempted to escape. The Captain ordered his men to fire. About a hundred obeyed, at least fifty balls striking him in the back and nearly cutting him in two. He fell from his horse lifeless, not knowing what hurt him.

Captain Cable subsequently published a statement of this affair. As explaining his reasons for destroying the house he says it showed "undoubted evidence of having been recently arranged for military purposes." Four of his men had been severely wounded, and he claims four

rebels were killed—three certain—and four to six wounded. The only property taken, he says, was beds, blankets and teams with which to remove the wounded.

AN EDITOR RETIRES.

On the 27th of May, the *Wheeling Union*, edited by Philip Henry Moore, who had kept standing at the head of his editorial columns this declaration of principles: "We owe obedience to the Federal government only because Virginia has commanded us to obey its laws; therefore whenever Virginia shall release us from this obligation, we will acknowledge the binding authority of that government no longer," ceased publication and the editor left for the South by river steamer. The time was opportune, in view of the mobilizing of the troops on Wheeling Island. The Unionists were far more tolerant than the Secessionists. If a Union paper with as strong a declaration on that side had attempted to maintain itself at Richmond, the editor would long before have been in prison if not murdered by a mob. But the time for tolerance of open rebellion was about at an end in the Northwest. The temperature of belligerence was rapidly rising, until the collision at Phillippa instantly fused all divergent thought and purpose on each side in the welding heat of war. Then came the instant recognition of the fact that the issue was joined; and the time for temporizing, or for toleration of differences on the deadly issue, was past.

The timely movement of troops to Grafton, the routing and driving out of the rebel forces gathered at Phillippa, the later defeat of Pegram at Rich Mountain, the pursuit

of Garnett's retreating army and the death of its commander at Cheat River, cleared the field for the Union men of the Northwest, and gave cohesion and vitality to their plans. From this time forward, the work of restoring civil government proceeded without apprehension and without a hitch. Never was the argument of force more opportunely applied, never with happier effect.

CHAPTER X.

THE JUNE CONVENTION—REORGANIZING THE STATE GOVERNMENT.

MEN WHO LEFT THEIR IMPRESS.

At two o'clock, afternoon of the 11th day of June, 1861, the men who were to wield a potent hand in shaping the destinies of the western part of the Old Dominion, whose work therein and in its wider influence was to extend far down the reaches of time, came together in the old Washington Hall, where their constituents and predecessors had on the 13th of May raised the banner of resistance to the insurrection and usurpation at Richmond.

Francis H. Peirpoint, destined to head the rehabilitated Commonwealth, and to seat its authority four years later in the reconquered capital on the James, called the Convention to order and moved that Dr. Dennis B. Dorsey, of Morgantown, be called to the chair.

Gibson L. Cranmer, who had been one of the secretaries of the May Convention, a man of scholarly and professional attainments, was made temporary secretary.

Rev. Gordon Battelle, an eminent minister of the Methodist Church, then presiding elder of the Wheeling district, opened the session with prayer.



ARTHUR I. BOREMAN.

Arthur I. Boreman moved for a committee on credentials. This committee as appointed later consisted of Arthur I. Boreman, John J. Brown, of Preston; Col. James Evans, of Monongalia; Lewis Wetzel, of Mason, and Daniel Lamb, of Ohio.

A Committee on Rules was moved by Hon. John S. Carlile, of Harrison, and constituted as follows: John S. Carlile, George McC. Porter, of Hancock; Daniel Polsley, of Mason; Harrison Hagans, of Preston; Andrew Flesher, of Jackson.

George McC. Porter, who had distinguished himself in the Richmond Convention as a loyalist of unflinching

courage, was a young lawyer of talents and personal graces, fated to an early death. It was he who first suggested to the writer to preserve documentary and other material and write the history of the events then transpiring around us. "Why not do this yourself?" I asked Mr. Porter. There was a prescient sadness in his reply: "I shall not be here." His death occurred in 1866.

A committee on permanent organization moved by Francis H. Peirpoint was composed of Mr. Peirpoint, W. H. Copley, of Wayne; Elbert H. Caldwell, of Marshall; John S. Burdett, of Taylor, and Chapman J. Stuart, of Doddridge.

At the opening of the second day's session, the Committee on Credentials reported the following list of gentlemen entitled to seats—some chosen delegates June 4th, others ex-officio as members of the General Assembly:

Barbcur—John H. Shuttlesworth and Spencer Dayton, delegates.
Brooke—John D. Nichols and Campbell Tarr, delegates; Joseph Gist, Senator; H. W. Crothers, House of Delegates.

Cabell—Albert Laidley, H. of D. (declined to take oath and returned home; name stricken from roll June 19th.)

Monongalia—Leroy Kramer and Joseph Snyder, H. of D.; Ralph L. Berkshire, William Price, James Evans and D. B. Dorsey, delegates.

Ohio—Thomas H. Logan and Andrew Wilson, H. of D.; Daniel Lamb, James W. Paxton, George Harrison and Chester D. Hubbard, delegates.

Pleasants and Ritchie—James W. Williamson, H. of D.; C. W. Smith and William H. Douglas, delegates.

Preston—Charles Hooton and William B. Zinn, H. of D.; William B. Crane, John Howard, Harrison Hagans and John J. Brown, delegates.

Randolph and Tucker—Solomon Parsons, delegate.

Roane—T. A. Roberts, delegate.

Taylor—Lemuel E. Davidson, H. of D.; John S. Burdett and Samuel B. Todd, delegates.

Upshur—Daniel D. T. Farnsworth, H. of D.; John L. Smith, delegate.

Wayne—William Radcliffe, H. of D.; W. W. Brumfield and W. H. Copley, delegates.

Wetzel—James G. West, H. of D.; Reuben Martin and James P. Ferrell, delegates.

Wirt—James A. Williamson, H. of D.; Henry Newman and E. T. Graham, delegates. (Williamson did not appear, and June 19th his name was stricken from the roll.)

Wood—John W. Moss, H. of D.; Arthur I. Boreman and Peter G. Van Winkle, delegates.

Alexandria—Henry S. Martin and James T. Close, delegates.

Fairfax—John Hawxhurst and Eben E. Mason, delegates.

Hampshire—James Carskadon, S.; Owen D. Downey, George W. Broski, James H. Trout and James I. Barrick, delegates.

Hardy—John Michael, delegate.

Doddridge and Tyler—Chapman J. Stuart, S.; William I. Boreman, H. of D.; Daniel D. Johnson and James A. Foley, delegates.

Harrison—John J. Davis and John C. Vance, H. of D.; John S. Carlile, Solomon S. Fleming, Lot Bowen and Benjamin F. Shuttlesworth, delegates.

Jackson—Daniel Frost, H. of D.; James F. Scott and Andrew Flesher, delegates.

Lewis—Presly M. Hale and J. A. J. Lightburn, delegates.

Marion—Richard Fast and Fontaine Smith, H. of D.; Francis H. Peirpoint, John S. Barnes, Andrew F. Ritchie and James O. Watson, delegates.

Marshall—Remembrance Swan, H. of D.; Elbert H. Caldwell and Robert Morris, delegates.

Mason—Lewis Wetzel, H. of D.; Charles B. Waggener and Daniel Polsley, delegates.

Additional members were admitted during June and August sessions as follows:

Tucker—Samuel Crane, delegate.

Barbour—Nathan H. Taft and David M. Meyers, delegates.

Upshur—John Love, delegate.

Webster, Braxton and Nicholas—Henry C. Moore, delegate.

Kanawha—Lewis Ruffner and Greenbury Slack, delegates.

Putnam—George C. Boyer, H. of D.; Dudley S. Montague and John Hall, delegates.

Marshall—James Burley, S.

Monongalia—Thomas Cather, S.

Jefferson—George Koonce, delegate.

Lewis—Blackwell Jackson, delegate.

Jackson—James A. Smith, delegate.

Harrison—Charles S. Lewis, delegate (in place of Lot Bowen, resigned).

Marlon—Ephraim B. Hall, delegate (in place of F. H. Peirpoint, appointed Governor).

The permanent organization of the Convention was effected by making:

Arthur I. Boreman, President.

Gibson L. Cranmer, Secretary.

Thomas Hornbrook, Sergeant-at-Arms.

A MODERN CARNOT.

Thomas Hornbrook, in connection with public affairs, was a sort of man-of-all-work. He did everything that was left undone by others, and led in doing the many things which nobody else had the forethought to see needed to be done. He looked after the preparations always necessary when meetings were to be held, announcements to be made, quarters, hall and committee-rooms to be provided; he organized, like another Carnot, the munitions indispensable to every kind of enterprise which could forward the Union



THOMAS HORN BROOK.

cause. He was Surveyor of Customs, and for the emergency was armed with arbitrary powers and charged with the duty of preventing the shipment of any goods to the interior which might be intended for rebel supplies. He had more than enough business of his own to fill all his waking hours; but somehow he could always lend a hand to push along the car of progress in any good cause to which he gave himself. He had been an early and ardent Republican and it was a labor of love with him to help along everything calculated to promote the cause of the Union, the new State and free State.

One fruit of Mr. Hornbrook's selection as sergeant-at-arms was that when the Convention adjourned at the close of the second day it was to meet next morning in the United States court room in the Custom House; and here all their succeeding sessions were held.

REGARDLESS OF RICHMOND.

After permanent officers had been chosen, the next thing was to prescribe for them and for the members an oath, in which they promised to "support the Constitution of the United States and the laws made in pursuance thereof as the supreme law of the land, anything in the ordinances of the Convention which assembled in Richmond on the 13th day of February last to the contrary notwithstanding." This oath was administered to the President by Andrew Wilson, a justice of the peace for Ohio County; and by the President, in turn, to the members.

PRESIDENT BOREMAN PITCHES THE KEY.

President Boreman, in taking the chair, after reciting briefly what had been done by way of secession in Virginia and elsewhere, said:

Here in Western Virginia we have determined that, by the help of Him who rules on high, we will resist the action of the Richmond Convention, which has practiced upon us a monstrous usurpation of power, violated the Constitution of the country and every rule of right. We have determined, I say, to resist it; and under this determination we are found here to-day to take definite action such as will result in Western Virginia, if not the whole of Virginia, remaining in the Union of our fathers.

THANKS FOR THE RESCUE.

The next thing was a series of resolutions, offered by Mr. Carlile, thanking the United States authorities for their prompt response to the call for protection; thanking General McClellan for rescuing the people of Western Virginia from the destruction and spoliation inaugurated by the rebel forces; hailing Colonel Kelley and "our own gallant First Regiment" as "deliverers from the ruin and slavery provided by the conspirators who have temporary possession of our State;" repudiating the "secession heresy" that the march of Federal troops into Virginia for the protection of Virginia citizens of the United States is an "invasion."

A Committee on Business, to whom should be referred all resolutions in reference to State and Federal relations, was appointed on Mr. Carlile's motion and composed as follows: John S. Carlile, Daniel Lamb, F. H. Peirpoint, Harrison Hagans, Peter G. Van Winkle, Ralph L. Berkshire, Daniel Polsley, William I. Boreman, Elbert H. Caldwell, Daniel Frost, George McC. Porter, Daniel D. T. Farnsworth and William H. Copley. Afterwards, on motion of Mr. Burdett the following were added: James T. Close, James Carskadon, John Hawxhurst and Samuel Crane.

CARLILE STILL THE LEADER.

This committee on whom the serious work of the Convention was to fall embraced a half dozen of the ablest men in the body, and as able as will be found anywhere in

a similar body. Mr. Carlile, by moving for the committee, had, with his accustomed adroitness, taken the lead of the Convention, as it entitled him to the chairmanship. There was at this time no lack of robustness in Mr. Carlile's loyalty to the United States. His talents as an orator and tactician, his aggressive and self-reliant temper, the clean-cut vigor of his attitude towards the rebellion, the intrepidity of his course at Richmond, had given him a commanding position of leadership. If there were heartburnings because of his large share in the popular applause, it did not show itself here.

FIRST MOVE FOR DIVISION.

Before the close of this day's session, Dr. Dorsey offered for reference to the Business Committee the following:

Resolved, That it shall be in part the business of this Convention to make the requisite preparatory arrangements for separation from Virginia and the formation into a new State of such counties as are represented in this body by delegates or otherwise and are desirous of entering into the new State organization.

Resolved, That said preliminary arrangements when made by the Convention shall, in compliance with the Constitution of the United States, be submitted for approval to the Legislature now convened in this city as being the only loyal and legitimate Legislature of the State of Virginia; and afterwards, if approved by it, shall be submitted to the Congress of the United States.

Resolved, That this mode of meeting the present exigencies of Western Virginia is preferable to that of reconstructing the government of Virginia, inasmuch as it is equally legal and does not impose upon us the calamity of an overburdened State debt,

no part of which we owe in equity, or the scarcely less disastrous calamity of repudiating that debt and thus ruining the financial credit of the State.

A FALSE NOTE.

Dr. Dorsey erred, it seems to the writer, in supposing that Western Virginia might by any particular mode of procedure run away from its just responsibility for a portion of the Virginia debt, and that it owed no part of this debt in equity. He forgot to recognize the third party in interest, the creditors, and their equity. There were two distinct equities to be considered: that between the two sections of the State; that between them both and the creditors. Capitalists had loaned their money to the Commonwealth on the tax-paying capacity and property liability of the entire territory. They were not to blame for the unequal and unjust disposition made of their money by the borrower as between the eastern and western sections. However unfairly it may have been distributed by the State, that was no concern of the creditors, and it could not impair their rights nor diminish their security.

DECLARATION OF GRIEVANCES.

Early in the sitting of June 13th, Mr. Carlile, from the Business Committee, reported a "Declaration of the People of Virginia," a document which took a prominent place in the proceedings and records as laying the groundwork on which to erect the structure of reorganization. The paper had been drawn by Mr. Carlile himself, who was not so close and precise a draftsman as some other members of the committee, who could have prepared a

paper more exactly expressive of what the Convention wanted to say. As first reported, the first paragraph of the declaration contained this statement: "And the existing constitution does not confer upon the General Assembly the power to call a convention to alter its provisions, or to change the relations of the Commonwealth, without the previously expressed consent of such majority" (meaning a popular majority). The fact was that the constitution of 1851 did permit the General Assembly to do just that thing—looking to the future exercise of the power, there is reason to believe, for just such sinister purpose as lay behind the call of the Assembly together by Letcher in January, 1861. Mr. Van Winkle detected the error, and the declaration was corrected to say that the Convention had been called without the previously expressed consent of such majority as required by Virginia precedents. Granville Parker in his "Formation" makes the point that the calling of the Convention was not "therefore a usurpation" as the declaration puts it, though there was plenty of usurpation afterwards. A proposition was made in the Assembly to submit the question of calling a convention to popular vote, but was voted down. The same cabal—at least the same purpose—which had omitted the requirement from the constitution was not going to risk defeat now by making this concession to the people. Mr. Parker claims that neither earlier constitutions nor the practice theretofore required the question of calling a convention to be submitted to popular vote, and that all previous conventions had been convened by the Assembly without expression of such popular approval. On the other hand, Mr. Willey in his "Sketch" says the action of



JAMES W. PAXTON.

the Assembly in January, 1861, was "without precedent;" that "no convention had previously assembled in Virginia until the question had first received the sanction of the people."

It was ordered that the declaration be printed and made the order for the next day.

PAXTON SOUNDS A TRUE NOTE.

In this day's session Mr. Paxton offered the following:

Resolved, That the people of Northwestern Virginia have long and patiently borne the position of political inferiority forced upon them by unequal representation in the State Legislature and by unjust, oppressive and unequal taxation; but that

the so-called ordinance of secession, passed by the Convention which met in Richmond on the 13th of February, last, is the crowning act of infamy which has aroused them to a determination to resist all injustice and oppression and to assert and forever maintain their rights and liberties in the Union and under the Constitution of the United States.

The resolution having been read, Mr. Paxton said:

In considering matters that come before us, it is very difficult but very important that we all realize the actual existence of war. We must not forget that we are now engaged in a struggle for the Nation's very existence; that our differences are not now being settled, as heretofore, at the ballot-box, peacefully and quietly, but by the bayonet and at the cannon's mouth. You, sir, and I, and every American citizen, this day are parties to this struggle on one side or the other, as loyalists or rebels; and he who sympathizes with, who, directly or indirectly, aids or encourages either side, is just as much a party to this war as if on the tented field. I assert, and in doing so appeal to all past observation and experience for my justification, that there is not nor can there be any real neutrality; that assumed neutrality, either by a State or by an individual, is practical secession. * * * We are fully committed to the war of patriotism against treason; and I am very sure from the indications here that there will be neither faltering nor hesitation now. The time has come for action—for active resistance to the despotism that will overwhelm us as surely as we remain tacit and inactive. We are now called upon to perform our part—and it is no unimportant one—towards the preservation and perpetuity of this great government. We must and will be sustained in the effort by the whole force and power of the Federal government. And, sir, we shall succeed in driving treason and rebellion beyond our borders. That is our mission. Let us do that work.

Let it be noted here that James W. Paxton, of Wheeling, was one of the most attractive figures in the Convention; would have been so in any body of which he might have been a member. A man of remarkably fine physique

—six feet four in stature and nobly proportioned; a handsome, striking face, expressing great intelligence; dark waving hair, worn rather long according to the fashion of that day; a man of wealth, always handsomely dressed and perfectly groomed; of simple democratic manners; an ardent hater of slavery, though himself a slaveholder—and perhaps the only one in Virginia who had voted for Lincoln; possessed of wide information and strong good sense; not given to talk, but capable on occasion of expressing pregnant thoughts in fitting words,—if Mr. Paxton had had less money he might have had more ambition; and driven by this and the spur of poverty, he might have made a distinguished figure in political life.

Mr. Carlile, from the Business Committee, offered a resolution which was adopted, inviting the loyal people in counties not yet represented to send delegates to the Convention.

Mr. Frost submitted one for reference, requesting all persons within the limits of Virginia engaged in rebellious movements against the United States to “desist and return to their allegiance,” and requiring all “seditious assemblages to disperse, and all companies mustered into the service of the Southern Confederacy to be immediately disbanded.” This was suggested as basis of an ordinance.

REORGANIZATION ORDINANCE.

After the opening on the fourth day, Mr. Carlile reported from the committee an ordinance for the reorganization of the State government, which was made the order for the following Wednesday, the 19th. Mr. Carlile announced that the Central Committee appointed by the

May Convention had taken steps whereby 2,000 stand of good arms had been procured, 500 of which had arrived in the city that day and the other 1,500 of which would be there that evening or next morning.

DISSECTING THE DECLARATION.

The Declaration coming up as the order of the day, Mr. Dorsey thought there was an error or inadvertency in one sentence of the first paragraph. It set forth that when any form of government is found inadequate for the true purpose of government, it is the right and duty of the people to alter or abolish the same; that the Virginia bill of rights expressly reserves this right to a majority of the people, but that "under the existing constitution the General Assembly has no power to call a convention to alter its provisions or change the relations of the Commonwealth without the previously expressed consent of such majority." Mr. Dorsey thought this seemed to mean that with the previously expressed consent of such majority, a convention called by the General Assembly had the power "to change the relations of the Commonwealth;" and if that meant Federal "relations," this was a virtual concession of the doctrine of secession. His objection to this document, however, related to its connection with other documents as being part of a systematic plan which had been prepared by the Committee reporting the Declaration.

Mr. Carlile said there was no squinting towards the heresy of secession in the language quoted. The right spoken of is the right of the people to alter or abolish their

government—the right of revolution. Mr. Dorsey asked what “relations” were meant in the clause, and how “change the relations of the Commonwealth?”

Mr. Carlile replied that it meant such change as might be effected by an amendment to the Constitution of the United States. Such an amendment ratified by the constitutional number of States might affect the present relations which Virginia has to the United States and give it another and different relation; and the people of Virginia by the ratification of such an amendment would in this way have the right to “change their relations.” After the restoration of peace he hoped one of the first acts of the people of the States would be a National Convention, which should, if it did nothing else, change our relations so far as treason is concerned. He wanted to see a little more stringent provision on that subject. He wanted that which goes to destroy the perpetuity of our government, whether it be an overt act or not, to be punished as treason. This was all the declaration meant—to cover the right, never denied, of revolution.

MR. DORSEY'S PLAN.

Mr. Dorsey expressed himself satisfied with the explanation. His only remaining objection to the declaration was as part of a general plan towards which the Convention was moving: first, to declare that the offices in the State were vacant; then to proceed to make arrangements for filling them; then to go on, step by step, to the other arrangements necessary for the reconstruction of the government of Virginia. The other plan, indicated, rather

than drawn out, in his resolutions submitted Tuesday, was to go as far in this other plan as necessary; to call together the Legislature of Virginia and then to submit to that Legislature the proposition of separating Western from Eastern Virginia and establishing a new State government. He proceeded to elaborate the argument. He held that both plans were identical in principle; that the Federal government would recognize action taken under either. It was a revolutionary movement altogether. Both plans were revolutionary; and if the general government could recognize one, it could the other. He himself was for pushing the separation, and not waiting till the eastern part of the State had been whipped into submission. His objection to the plan of reorganization as far as developed by the committee was that it made no specific provision for the coming separation; which he deemed the paramount object in the minds of Western Virginians. For his part, he would not vote for a single provision that might be proposed by the committee unless he could see a distinct intention to provide for the separation.

Mr. Van Winkle said he had long been convinced that every interest of Northwestern Virginia demanded separation from the East; and under other circumstances, he believed such separation ought to be effected in a friendly manner. Whenever the time should come, he was willing to do everything he could to effect a separation. But he did not favor Dr. Dorsey's plan of putting that before the other objects to be accomplished by the Convention.

Mr. Carlile would remind his friend from Monongalia that as yet there was no Legislature to give its consent, as required, to the separation. Let us first, he said, repudiate

Letcher and his transfer to the Southern Confederacy; let us assemble a Legislature here of our own that will be recognized by the United States government as the Legislature of Virginia; and with the assent of such a Legislature to our separation, the way is clear. "Two great objects," he said, "influence and govern my actions. The first, I am free to say—the dearest and nearest my heart—is the perpetuity of the Union." When that had been assured, they could consider the interests of their own immediate section of the State.

John D. Nichols, of Brooke, favored the plan of the committee. The people of Brooke, he said, feel in the matter of a division of the State like Dr. Dorsey: that they have no identity of interest with the eastern part of the State, and have long sought to effect the purpose indicated by that gentleman; but there were steps that could not be taken at this preliminary stage of the proceedings. They owed constitutional obligations to the Federal government and needed its countenance and protection. The plan proposed by the committee was the only one that could be adopted at this stage of the proceedings to insure recognition and continued favor with the general government.

Dr. Dorsey wished to explain that he had not favored (as some seemed to have understood) a violent and informal separation of the State without the intervention of any preliminaries whatever. He proposed to go on with his plan so far as it was necessary to the assembling of the Legislature; then to propose to that Legislature the matter

of dividing the State; then to submit its action to Congress for ratification, according to the spirit and very letter of the Constitution of the United States.

In the next day's session, Mr. Flesher, of Jackson, offered for reference resolutions declaring null and void any levies made by county or corporation courts in aid of the rebel army. He said he did this understanding that the Jackson County Court had ordered a levy of \$3,000 for the support of rebel soldiers enlisted in that county.

HOW THE RICHMOND CONVENTION WAS CAPTURED.

On the seventh day, pending the consideration of the Declaration as the order of the day, Mr. Peirpoint addressed the Convention at considerable length. In the course of his remarks he said:

When the Virginia Convention assembled at Richmond it was ascertained that three-fourths of it were opposed to disunion. But the plot began to converge to a point. Major Anderson was in Fort Sumter and it was well known that his provisions were nearly run out. It was known the very day they would run out, and that he must be reinforced either in provisions or in provisions and men both. The Virginia Secessionists then called their mob convention to meet in Richmond on the 16th of April. A messenger was sent from Richmond to Charleston the day before Fort Sumter was fired upon. He made his speech there saying there was one thing that must be done, and Virginia would secede. They knew in Charleston what that thing was; and Governor Pickens ordered Fort Sumter to be attacked. The attack was made, and a dispatch came to the Governor of Virginia from the Governor of South Carolina saying: "Fort Sumter is fired upon; what will Virginia do now?" It is said the Convention would not even then have dissolved their connection with the United States but the Secessionists, without

the authority of the Governor, dispatched troops to seize Harper's Ferry and Gosport Navy Yard with all their munitions of war. The declarations had gone forth from Charleston throughout the South that they intended to seize the Capital immediately; that Lincoln and his cabinet were trembling in their seats and were consulting whether to remove to Philadelphia or New York. Thus they forced the President to issue his proclamation for 75,000 troops. They knew he would be bound to issue the proclamation or retire in disgrace; that Virginia must be called on for her quota of troops or secession be acknowledged. The proclamation came. Virginia was called on; and then the proclamation was styled by the conspirators the crowning act of infamy of the Administration, on account of which they must secede. Thus the plot was laid and consummated. The plot had been conceived in perjury at Washington and carried out by falsehood throughout the country, attended by coercion, insult, and a reign of terror which was equally concerted throughout Virginia as well as in the other Southern States.

This was in June. If Mr. Peirpoint had then known what was to be disclosed by Letcher six months later regarding his treasonable preparations for war long before the Richmond Convention met, he might not have said, as he did, that the seizure of Harper's Ferry and Gosport was "without authority of the Governor." It is true the Metropolitan Hall junta seems to have taken the reins, but certainly with Letcher's full consent; for it is a matter of official record that the muskets captured at Harper's Ferry were distributed under Letcher's orders, part of them to the rebel militia in Baltimore.

THE GROUNDS FOR RESTORATION.

Towards the close of his remarks, Mr. Peirpoint thus defined the attitude of this Convention:

The Constitution of the United States guarantees to every State (and I take it only to the loyal people of that State) the right to a republican form of government. The Virginia declaration of rights says the people have a right to peaceably assemble and alter or amend their form of government when it may become necessary. This exigency is upon us. The government of the State is in rebellion against the United States—against the laws and loyal people of Virginia. We, representing these people here, are bound to take immediate action to protect their lives and property. We assemble lawfully, being sent hither by the loyal people of Virginia, according to the mode prescribed by the convention which met in this city in May last, to do whatever is necessary to be done for the safety and protection of the loyal people of Virginia. And, sir, I would not be afraid to-day to place my position and that of this Convention for legality, and to stake my life upon it, before the best jurists and statesmen in the civilized world who understand anything about constitutional liberty and the facts with which we are surrounded, and risk their decision. * * * I am sure that the President and Congress must and will recognize us as the rightful government of the State. To do otherwise would be to say that by the forms of law we are bound to lie until our hands and feet are tied, until our property is taken from us and ourselves swung upon the gallows. God's law, nature's law, man's law never did impose any such obligations as these upon any man or people where they were acting with a true and loyal heart and upright intention to assert their rights legally. Sir, there can be nothing in law, nothing in reason, nothing in principle nor in practice that can be brought against us. Everything is in our favor and everything must aid and sustain us in our efforts.

THE DECLARATION FINDS FITTING PARALLEL.

The declaration was then passed to its engrossment; and in the afternoon, the document having been engrossed on parchment, it was put to vote and adopted by the unanimous vote of all present, fifty-six in number. Mr. Carlile

remarked that it was a happy coincidence and one that he hailed as an auspicious omen "that we have fifty-six votes recorded in favor of our declaration, and we may remember there were just fifty-six signers to the Declaration of Independence." The remark produced great applause and feeling throughout the hall. Another coincidence remarked by a member was that the date was the anniversary of the battle of Bunker Hill. Another that might have been mentioned as even more fitting, was that it was the anniversary of the day when in the States General of France, summoned by Louis XVth, after long waiting for the other two orders to join them, the Tiers Etat, or "Commons," of France declared themselves the National Assembly and thus began the great Revolution.



TO ARREST PUBLIC ENEMIES.

The following day provision was made for procuring State seals, the design to be the same as the existing Virginia seal with the addition of the words: "Liberty and Union." The Committee on Business reported an ordinance "to authorize the apprehending of suspicious persons in time of war." The ordinance proposed to so amend the code of Virginia that the Governor might cause to be

apprehended and secured, and compelled to leave the State, "all suspicious subjects or citizens of any foreign state or power at war with the United States," and then proceeded to set forth what had been done at Richmond, the effect of which had been—so far as force could make it effective—to place Virginia in subjection to the Confederate States of America. This ordinance was for the benefit of those who recognized the legality of such transfer of allegiance. It also provided for the punishment of sheriffs and others paying public money to the pretended authority of the Confederate States or the illegal State government at Richmond, now waging war against the United States. The Committee also followed with an ordinance fixing salaries of State and other officers.

FARNSWORTH BRINGS UP DIVISION.

Mr. Farnsworth, of Upshur, offered this resolution:

Resolved, That one of the great objects of this Convention in reorganizing the State government is that we may place the same in position of loyalty to the United States, in order that we may soon be able by constitutional legislation to separate ourselves from our oppressors in Eastern Virginia and be admitted a new and separate State in the glorious Union of States.

Resolved, That the President of this Convention communicate the foregoing resolution to the President of the United States and his cabinet.

A lengthy discussion followed the offer of these resolutions. Mr. Farnsworth explained that his object was to show to the people by an authorized expression of the Convention that it intended to take such steps as would create a new State, and to show the object of the steps the Convention was now taking.

Mr. Caldwell, of Marshall, thought it was at once a courtesy and due to the Federal government that something like what was indicated in the resolution should be communicated to the President and his Cabinet as an expression of the views and intentions of this Convention.

DORSEY CHANGES HIS MIND.

Dr. Dorsey said it was well known that he had been advocating this new State movement as earnestly as he knew how; but after mature consideration of the subject, and after having had several resolutions like this submitted to him in private, he had come to the conclusion that it would be exceedingly inapposite for this Convention to pass such a resolution at this stage of its proceedings, since by doing so we would be anticipating the future action of the Legislature of Virginia as well as of this Convention. This was not the proper time, he had become convinced, to make a proposition for a division of the State. When the State government had been fully reorganized, then such propositions might be submitted. This announcement, Dr. Dorsey said, might seem incongruous with his former position; but the plans he had proposed looked to just such an arrangement.

Mr. Carlile suggested that as the proposition to divide the State might excite the hostility of the great capitalists in New York, who held the bulk of the Virginia debt, and their influence might be used at Washington against the recognition of the reorganized State, it would be wise to wait until we had been recognized as part and parcel of the United States and as lawful authorities of Virginia

before making the new-State plan conspicuous. "I regret," he said, "that we have to postpone this subject of a separation for an hour; but high above all things is the perpetuity of the Union. What would admission as a new State into the Union be worth if your Union itself should be destroyed?"

Mr. Van Winkle remarked that public expectation in the western counties had been turned to this Convention as if its only business was to separate Western from Eastern Virginia; "but we come here and find that it is necessary for us to take an entirely different course of action." He suggested, however, whether it was not "due to the constituents of many members that there should be some authorized expression by the Convention on this subject, exhibiting the reasons of necessity that induce us to abandon a course which it was supposed we were about to adopt?"

Mr. Burdett said the world knew we were looking ulteriorly to a division of the State. Wall street would know it despite all efforts to cover it up. The lobby would be in Washington just the same, and we would have to fight them anyhow. But he did not think any serious obstacle would be thrown in our way.

Mr. Snyder, of Monongalia, obtained leave to read a resolution declaring that "the geographical position and business and social relations of Western Virginia are such that her vital interests demand a division of the State; that the proper time to make such demand will be when Virginia has a legally constituted Legislature; that then we will use our utmost endeavors to consummate that division."

Mr. Barnes, of Marion, also by permission, read a resolution declaring it "inexpedient at this time to take into consideration the subject of a division of the State."

Mr. Hubbard, of Ohio, said the case before the people was no longer one of choice or even of preference. It had become one of duty. "We are not here," he said, "to create a State but to save one; not here to create a government but to help save a government." He hoped they would say nothing now about the division of the State. "If we find in the future that we can do better to separate, I shall be as willing as any other man."

Mr. Farnsworth said he merely wanted the people to know by some expression from the Convention that they were in earnest in having professed to be for a division of the State at the proper time. The resolution did not contemplate the creation of a State at this time, but only to let the people know why they were reorganizing the whole State. As serious objections were made, however, he was willing to withdraw the resolution.

Mr. Vance, of Harrison, hoped he would not withdraw. His own people were in favor of an immediate division of the State, and had sent him there to assist in that object. When the Legislature should meet it was his desire and that of his constituents to divide the State.

Mr. Tarr, of Brooke, said the first inquiry should be, Have we a State government? If not, let us first procure the endorsement of the Federal government, and then provide the ways and means for a division of the State.

Mr. Vance was perfectly aware, and so were the people, that the first object is to maintain the government and secure its perpetuity; but the resolution before them did

not contemplate that the State be divided until that had been accomplished. What they wanted was to show that division is the ulterior object.

CARLILE SAYS NOT OPPORTUNE.

But why at this time, asked Mr. Carlile, when we are surrounded by most embarrassing circumstances, due to our own embarrassments? * * * The truth should always be spoken when we speak at all; but the whole truth should not always be spoken. * * * What if we do contemplate a division of the State, would it forward the object to promulgate the declaration in a special and authoritative manner? In an hour like this, when the question is, Shall we save the State; when we are particularly helpless to save ourselves; when the very Government itself has by this rebellion been bankrupted; when it is engaged in this life and death struggle to maintain its own existence; and when we have come here to aid if we can in this struggle—why should we now be discussing that which is utterly impossible and which more belongs to days of peace than to hours of war? If we could divide the State to-day, who would desire to do so under existing circumstances? In a short time the power of this Government may be established. Then we may be acknowledged as the government of Virginia and may provide for that which is essential to our interests. When we are trying now to resist this attempt at transferring us to a rebellious government, shall we be distracted with measures of secondary importance, as all must admit this question of separation to be at this hour?

Daniel Frost, of Jackson, moved to refer the resolutions to a special committee with instructions to report an address to the people of Virginia. Dr. Dorsey moved to table but withdrew at the suggestion of his colleague, Mr. Snyder. Mr. Tarr renewed the motion to table and it was carried by 50 to 17. Twenty-one members were absent. This was the end of division discussion for the June session.

Resolutions of respect for the late Stephen A. Douglas, whose death had then just occurred, were moved by George Harrison, of Ohio, a Douglas Democrat, and adopted.

REORGANIZATION.

The ordinance for the reorganization of the State government came up next day, the 19th; and during consideration of it, Mr. West, of Wetzel, proposed an amendment making persons who had voted to ratify the ordinance of secession "ineligible to hold any post or office of honor or profit, civil or military, in this State during the existence of hostilities by the seceding States against the government of the United States." The motion received only ten votes. The ordinance having been slightly amended, was then adopted by unanimous vote of those present, 76, in shape as follows:

AN ORDINANCE for the Re-organization of the State Government.

The People of the State of Virginia, by their Delegates assembled in Convention at Wheeling, do ordain as follows:

1. A Governor, Lieutenant-Governor and Attorney-General for the State of Virginia, shall be appointed by this Convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office for six months, or until their successors be elected and qualified; and the General Assembly is required to provide by law for an election of Governor and Lieutenant-Governor by the people as soon as in their judgment such election can be properly held.

2. A Council, to consist of five members, shall be appointed by this Convention, to consult with and advise the Governor, respecting such matters pertaining to his official duties

as he shall submit for consideration, and to aid in the execution of his official orders. Their term of office shall expire at the same time as that of the Governor.

3. The Delegates elected to the General Assembly on the twenty-third day of May last, and the Senators entitled under existing laws to seats in the next General Assembly, together with such Delegates and Senators as may be duly elected under the Ordinances of this Convention, or existing laws, to fill vacancies, who shall qualify themselves by taking the oath or affirmation hereinafter set forth, shall constitute the Legislature of the State, to discharge the duties and exercise the powers pertaining to the General Assembly. They shall hold their offices from the passage of this Ordinance until the end of the terms for which they were respectively elected. They shall assemble in the City of Wheeling, on the first day of July next, and proceed to organize themselves as prescribed by existing laws, in their respective branches. A majority in each branch of the members qualified as aforesaid, shall constitute a quorum to do business. A majority of the members of each branch thus qualified, voting affirmatively, shall be competent to pass any act specified in the twenty-seventh Section of the fourth Article of the Constitution of the State.

4. The Governor, Lieutenant-Governor, Attorney-General, members of the Legislature, and all officers now in the service of the State, or of any county, city or town thereof, or hereafter to be elected or appointed for such service, including the Judges and Clerks of the several Courts, Sheriffs, Commissioners of the Revenue, Justices of the Peace, officers of city and municipal corporations, and officers of militia, and officers and privates of volunteer companies of the State, not mustered into the service of the United States, shall each take the following oath or affirmation before proceeding in the discharge of their several duties:

"I solemnly swear (or affirm) that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, any thing in the Constitution and laws of the State of Virginia, or in the Ordinances of the Convention which assembled at Richmond on the 13th of February, 1861, to the contrary notwithstanding;

and that I will uphold and defend the Government of Virginia as vindicated and restored by the Convention which assembled at Wheeling on the 11th day of June, 1861."

5. If any elective officer who is required by the preceding section to take such oath or affirmation, fail or refuse so to do, it shall be the duty of the Governor, upon satisfactory evidence of the fact, to issue his writ declaring the office to be vacant, and providing for a special election to fill such vacancy, at some convenient and early day to be designated in said writ; of which due publication shall be made for the information of the persons entitled to vote at such election; and such writ may be directed, at the discretion of the Governor, to the Sheriff or Sheriffs of the proper county or counties, or to a Special Commissioner or Commissioners to be named by the Governor for the purpose. If the officer who fails or refuses to take such oath or affirmation be appointed by the Governor he shall fill the vacancy without writ, but if such officer be appointed otherwise than by the Governor or by election, the writ shall be issued by the Governor directed to the appointing power, requiring it to fill the vacancy.

VANCE DISCERNS A STAR-CHAMBER.

In the afternoon was passed an ordinance for "apprehending suspicious persons," having first been amended, on motion of Mr. Lamb, to provide "that the powers vested in the Governor by this ordinance shall be exercised only upon satisfactory evidence and with concurrence of a majority of his Council." When it came to the vote, Mr. Vance denied the power of the Convention to pass such an ordinance. He did not want to make such a star-chamber of this Convention as had been done at Richmond. This was a matter that belonged entirely to the Legislature and should be left for its action. If this Convention were to do all the legislating for the State, there would be no need of a Legislature at all.

Mr. Lamb replied that by the action of the May Convention the people had authorized this body "to devise such measures and take such action" as the safety and welfare of the people they represented might demand. That was their authority, and they all knew the exigencies of the times did demand that they should take this action.

Mr. Burdett remarked that in revolutionary times like these they could not and must not be bound down to the strict letter of laws and constitutions. For his part, he meant to take his share of the responsibility. The ordinance was passed with but three votes against: President Boreman, Vance and Williamson.

TO VACATE OFFICES.

Next day Dr. Dorsey moved a resolution to instruct the Committee on Business to report an ordinance "declaring vacant the offices of all office-holders in the Commonwealth who voted for the ordinance of secession." Mr. Crane suggested that this be made a resolution of inquiry only. He opposed it on the ground that many voted for the ordinance who now heartily support this movement, and there were office-holders who did not vote for it who were bitter Secessionists. Dr. Dorsey had no confidence in the Unionism of anybody who had voted for the ordinance. He believed those who would be left in the offices unless something like this were adopted, would give them a great deal of trouble. Mr. West supported the resolution as in line with the amendment offered by him yesterday. In his county, which had given a majority of seven

hundred against the ordinance, all the officers were Secessionists. He wanted to restore the reputation of his people, who had been proclaimed at Richmond as for disunion. He wanted the world to know that Wetzel County was not represented in this Convention by Leonard S. Hall.

SIGNING THE DECLARATION.

The hour having arrived for the formality of the signing of the declaration, the document having been engrossed on parchment was first signed by the President and laid on the Secretary's table. The members as their names were called by the secretary in the order of counties came forward and signed, one at a time, and retired to their seats, all the other members remaining seated till called. All the members present, 83 in number, thus came forward and signed. Henry C. Moore, of Webster, who was admitted in the afternoon session, signed afterwards.

The declaration and signatures, as they appear in the official journal of the Convention are as follows:

A DECLARATION OF THE PEOPLE OF VIRGINIA.

The true purpose of all government is to promote the welfare and provide for the protection and security of the governed; and when any form or organization of government proves inadequate for or subversive of this purpose, it is the right, it is the duty, of the latter to alter or abolish it. The Bill of Rights of Virginia, framed in 1776, reaffirmed in 1830, and again in 1851, expressly reserves this right to the majority of her people. The act of the General Assembly calling the Convention which assembled at Richmond in February last, without the previously expressed consent of such majority, was therefore a usurpation; and the Convention thus called has not only abused the powers

nominally entrusted to it but, with the connivance and active aid of the Executive, has usurped and exercised other powers to the manifest injury of the people, which, if permitted, will inevitably subject them to military despotism.

The Convention by its pretended ordinances has required the people of Virginia to separate from and wage war against the Government of the United States and against the citizens of neighboring States with whom we have heretofore maintained friendly, social and business relations.

It has attempted to subvert the Union founded by Washington and his co-patriots in the purer days of the Republic, which has conferred unexampled prosperity upon every class of citizens and upon every section of the country.

It has attempted to transfer the allegiance of the people to an illegal confederacy of rebellious States and required their submission to its pretended edicts and decrees.

It has attempted to place the whole military force and military operations of the Commonwealth under the control and direction of such confederacy for offensive as well as defensive purposes.

It has, in conjunction with the State Executive, instituted wherever their usurped power extends a reign of terror intended to suppress the free expression of the will of the people, making elections a mockery and a fraud.

The same combination, even before the passage of the pretended ordinance of secession, instituted war by the seizure and appropriation of the property of the Federal Government and by organizing and mobilizing armies with the avowed purpose of capturing or destroying the capital of the Union.

They have attempted to bring the allegiance of the people of the United States into direct conflict with their subordinate allegiance to the State, thereby making obedience to their pretended ordinances treason against the former.

We, therefore, the delegates here assembled in Convention to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand, having maturely considered the premises and viewing with great concern the deplorable condition to which this once happy Commonwealth must be reduced unless some regular, adequate remedy is speedily adopted, and appealing to the Supreme Ruler

of the Universe for the rectitude of our intentions, do hereby, in the name and on behalf of the good people of Virginia, solemnly declare that the preservation of their dearest rights and liberties and their security in person and property imperatively demand the reorganization of the government of the Commonwealth; and that all acts of said Convention and Executive tending to separate this Commonwealth from the United States, or to levy and carry on war against them, are without authority and void; and that the offices of all who adhere to the said Convention and Executive, whether legislative, executive or judicial, are vacated.

Arthur I. Boreman,
J. H. Shuttlesworth,
Nathan H. Taft,
Joseph C. Gist,
W. I. Boreman,
Chapman J. Stuart,
Daniel D. Johnson,
James A. Foley,
George McC. Porter,
J. H. Atkinson,
W. L. Crawford,
Charles B. Waggoner,
D. Polsley,
Leroy Kramer,
Jos. Snider,
R. L. Berkshire,
Wm. Price,
James Evans,
D. B. Dorsey,
Thos. H. Logan,
And. Wilson,
Daniel Lamb,
Wm. W. Brumfield,
Wm. H. Copley,
Jas. G. West, Sr.,
Reuben Martin,
Jas. P. Ferrell,
Henry Newman,

Richard Fast,
F. Smith,
Francis H. Peirpoint,
John S. Barnes,
A. F. Ritchie,
Jas. O. Watson,
Remembrance Swan,
E. H. Caldwell,
Thos. Morris,
Lewis Wetzel,
J. W. Paxton,
Geo. Harrison,
C. D. Hubbard,
Jas. W. Williamson,
C. W. Smith,
Wm. H. Douglas,
Chas. Hooton,
W. B. Zinn,
W. B. Crane,
John Howard,
H. Hagans,
Jno. J. Brown,
S. Parsons,
Samuel Crane,
T. A. Roberts,
L. E. Davidson,
John S. Burdett,
Samuel B. Todd,

E. T. Graham,
 J. W. Moss,
 P. G. VanWinkle,
 H. S. Martin,
 Jas. Titus Close,
 John S. Carlile,
 Solomon S. Fleming,
 Lot Bowen,
 B. F. Shuttlesworth,
 Daniel Frost,
 J. F. Scott,
 A. Flesher,
 P. M. Hale,
 J. A. J. Lightburn,

D. D. T. Farnsworth,
 John Hawzhurst,
 Evan E. Mason,
 Jas. Carskadon,
 O. D. Downey,
 Geo. W. Broski,
 J. H. Trout,
 Jas. I. Barrick,
 H. W. Crothers,
 Jno. D. Nichols,
 Campbell Tarr,
 Jno. Love,
 Henry H. Withers,
 Henry C. Moore.

An order was made, on motion of Mr. Close, of Alexandria, that a copy of the Declaration and signatures be sent to the President of the United States by special messengers to be designated by the President of the Convention.

STATE OFFICERS CHOSEN.

In the afternoon session, the Convention proceeded to elect State officers under operation of the ordinance adopted the day before. The following were unanimously chosen :

For Governor—Francis H. Peirpoint.

For Lieut.-Governor—Daniel Polsley.

For Governor's Council—Peter G. Van Winkle,
 William A. Harrison,
 William Leasure,
 Daniel Lamb,
 James W. Paxton.

The choice of an Attorney General was deferred until Saturday.

THE OATH THEY TOOK.

Messrs. Carlile and Lamb were appointed to wait upon Governor Peirpoint and inform him of his election. The Governor soon after appeared in the hall, and the oaths of office were administered to him, in the presence of the Convention, by Andrew Wilson, a justice of the peace for Ohio County. The form of oath administered to the State officers, as revised by the Committee on Business and accepted by the Convention, was the following:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws made in pursuance thereof as the supreme law of the land, anything in the constitution and laws of the State of Virginia, or in the ordinances of the Convention which assembled in Richmond on the 13th day of February last, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as vindicated and restored by the Convention which assembled in Wheeling on the 11th day of June, 1861.

ADDRESS BY THE GOVERNOR.

Governor Peirpoint, by invitation, ascended to the President's stand and made a brief address. He said that for three-quarters of a century the government of the United States had rested upon the intelligence of the people and on the theory that in the people resides all power. But a new doctrine had been introduced by those at the head of the revolution in the Southern States. They try to divide the people into two classes—the laboring class and the capitalistic class. They had for several years been industriously propagating the idea that capital ought to control the legislation of the country, maintaining that it was dangerous for labor to enter into legislation.

They maintain that the ballot should be wielded only by the educated classes and labor excluded from any voice in the shaping of legislation. This idea had been covertly advanced in only portions of Virginia. Up to within a short time she had stood firm by the doctrines of the fathers. But now the propagators of this new doctrine had attempted to force it upon them by terror and at the point of the bayonet. "We have been driven," he said, "into the position we occupy to-day by the usurpers at the South who have inaugurated this war upon the soil of Virginia and have made it the great Crimea of this contest, which has been inaugurated with a view of making the distinction indicated. We are but adhering to the great fundamental principle of our fathers, that to the loyal people of a State belongs the law-making power of that State. It is the assumption of that authority upon which we are now about to enter."

EX POST FACTO.

After the retirement of the Governor, Dr. Dorsey withdrew his resolution in regard to vacating the offices of those who had voted for secession to make way for another likely to better harmonize the views of the members.

Mr. Carlile, by general consent, wished to say for the consideration of those who favored such propositions as Dr. Dorsey's that they violated the spirit of the Constitution of the United States, being equivalent to an *ex post facto* law. At the time the men whom it was proposed to turn out of office voted for the ordinance of secession, no penalty attached to the act; and this depriving them of a

prerogative on account of that vote was equivalent to establishing a penalty. To inflict a penalty for having exercised a guaranteed right would be to abridge that right. It would never do to inaugurate any such rule in a body assembled for the purpose of protecting the rights and liberties of a free people.

Dr. Dorsey said it was not the design to inflict punishment but to protect the people for the future against official acts of those who had committed themselves to a doctrine and a series of projects inimical to the rights of the people.

Mr. Stuart, of Doddridge, said it was the first time he had ever heard that a man holding an office under the Constitution of the United States had a right to vote for an ordinance of secession. Such an act was a violation of the oath taken by all officers to support that Constitution, and was therefore a crime and a perjury.

Mr. Carlile replied that if it was perjury, the prosecuting attorneys ought to enforce the punishment of perjury, which would disqualify from holding any office thereafter.

The following morning Dr. Dorsey moved for a "Committee on Offices," to whom all propositions in regard to vacating offices could be referred; but the matter was allowed to lie over until the next week; and the Convention proceeded to pass an ordinance relating to receipts and disbursements and providing for the appointment of auditor and secretary of the Commonwealth. The Convention then went into the election for Attorney General, and chose Col. James S. Wheat, of Wheeling. Mr. Flesher

offered a resolution for reference looking to the establishment of Federal recruiting stations in each county.

ARMS BROUGHT TO WHEELING.

Mr. Burdett suggested an inquiry regarding the disposition to be made of the 2,000 stand of arms now in the city. Mr. Carlile said the committee were unanimous in the conclusion that they should be handed over to the State authorities here for arming the volunteer militia of the State which would be organized in a few days. These were the arms shipped to Wellsburg at the instance of the Brooke County delegation who went to Washington. Mr. Burdett had proposed that as there was no possibility of the guns being needed at Wellsburg they be brought to Wheeling and utilized in arming the volunteers; and he with some others of the members went to Wellsburg and arranged for the reshipment of the arms, coming down with them on the boat and landing them on Wheeling Island.

THE CONVENTION RESTS.

On Tuesday, the 25th of June, the twelfth day of the sitting, a resting-place in the work having been reached, the Convention, having arranged for earlier recall if needed, adjourned to the 6th of August. Mr. Farnsworth had sought to have the adjournment made subject to recall by the Governor, so that if matters should not be in trim for the resumption of work when August 6th came around, the reassembling could be deferred to a later day; but the suggestion did not meet with favor.

RICHMOND REVIEWED.

In his parting remarks to the Convention, President Boreman noted that thirty-four counties were represented, a territory embracing almost one-third of the white population of Virginia. Their work, he said, had been well done; and it now only remained to go home and assist in putting the government they had restored into effective operation. On the day of the adjournment an address issued by order of the Convention was promulgated. It embraced a careful and able review of events at Richmond, including this interesting paragraph:

The proceedings of the Richmond Convention up to the 17th of April were evidently intended by those in the secret to persuade the members favorable to the perpetuity of the Union, and the people at large, that it was intended to propose terms on which it could be maintained. On the day named, the mask was thrown aside and the ordinance of secession passed. This was done in secret session, and no immediate promulgation of the facts was made to the people; nor until since this Convention assembled was the injunction of secrecy so far removed that the vote on the passage of the ordinance was made public. It now appears that more than one-third of the whole convention voted against it, and that nine members were absent. Up to this time the debates which preceded the vote are concealed from the people, who are thus denied a knowledge of the causes which in the opinion of the majority rendered secession necessary and justified so gross a disregard of their lately expressed will.

CHAPTER XI.

CHEERFUL OUTLOOK FOR THE NEW GOVERNMENT—THE LEGISLATURE; ELECTION OF SENATORS.

THE EXECUTIVE IN HARNESS.

In its issue of June 24th, the *Intelligencer* took this cheerful view of the work of reorganization :

"Governor Peirpoint and his Council are hard at work each day and much of the night in maturing important business. The questions of revenue, militia and general ways and means are being rapidly matured. Our people will soon be able to see that we have earnest men at work." The editor proceeds to pay a merited tribute to one of them, Daniel Lamb, who, he says, "is, with all his heart and soul, at work in the good cause. From the very first he has signalized his devotion to the movement by willingly taking on himself no inconsiderable share of the drudgery."

SKIES ARE BRIGHT.

The editor recites further the auspicious circumstances attending the inauguration of the Restored Government :

The building of the United States custom-house in this city (finished in 1859) was a fortunate thing for the new government inaugurated last week by the Convention. It is nothing more nor less than a fine State-house—a good deal finer than the one tenanted by the traitors at Richmond. The magnificent United States court-room is just the hall for the Convention and will be just the place for the Legislature when the Convention adjourns; and if the two bodies sit at the same time—which we presume they will—there is a fine capacious chamber on the floor beneath, quite the thing for the latter body. Then the different committee rooms, Governor's room, etc., seem almost to have been made to order. We never could see before what all these fine rooms were for. Already we have a finer capitol than they have—or had—at Montgomery; and much better, as we said, than they have at Richmond.

The new government starts out auspiciously if ever government did. Its declaration passed by the identical vote given for the Declaration of Independence, and its passage unconsciously immemoriated the eventful anniversary of Bunker Hill.

And more than this, the new government finds itself with an army in the field; with the whole strength of the Federal Government at its back; with a revenue ready supplied from payments already collected by the sheriffs; with all the loyal State wishing it God-speed and with every possible circumstance in its favor.

THE LEGISLATURE CONVENES.

Those members of the General Assembly of Virginia who adhered to the United States met, in response to proclamation of Governor Peirpoint, in the city of Wheeling July 2, 1861—the House of Delegates in the Federal court-room in the custom-house, the Senate in the Linsley Institute, corner of Fifth and Center Streets. In the House, the roll was called by Col. Leroy Kramer, of Monongalia, and Gibson L. Cranmer elected permanent clerk.

In the Senate, Lieutenant-Governor Polsley presided, and William M. Lewis, of Doddridge, was chosen permanent Secretary.

RECOGNITION AT WASHINGTON.

The Governor's message was read at an evening session in both houses. He transmitted with it correspondence between himself and the authorities of the United States, showing that June 21st he had addressed to the President a formal letter setting forth the conditions in Virginia and asking for "military force to aid in suppressing the rebellion and to protect the good people of this Commonwealth from domestic violence."

The reply came from the Secretary of War, Simon Cameron, who was directed by the President to say: "A large additional force will soon be sent to your relief." The correspondence, of course, long post-dates the movement of troops to Grafton in the later days of May, by which the Northwest had been relieved from the presence of Porterfield's and Garnett's forces. Secretary Cameron's letter is somewhat discursive:

The full extent of the conspiracy against popular rights which has culminated in the atrocities to which you refer was not known when its outbreak took place at Charleston. It now appears that it was matured for many years by secret organizations throughout the country, especially in the slave States. By this means when the President called upon Virginia in April for its quota of troops then deemed necessary to put it down in the States in which it had shown itself in arms, the call was responded to by the chief Confederate in Virginia by an order to his armed followers to seize the Navy Yard at Gosport; and the authorities of the State, who had until then shown repugnance to the plot, found themselves stripped of all actual

power and were manifestly permitted to retain the empty forms of office only because they consented to use them at the bidding of the invaders. The President, however, never supposed that a brave and free people, though surprised and unarmed, could long be subjugated by a class of political adventurers always adverse to them; and the fact that they have already rallied, reorganized their government and checked the march of these invaders demonstrates how justly he appreciates them.

The letter concludes :

Instructions have now been given to the agents of the Federal Government to proceed hereafter under your directions, and the company and field officers will be commissioned by you.

There was also a formal letter from Hon. Caleb B. Smith, Secretary of the Interior, certifying to the number of representatives in Congress Virginia was entitled to under the last census.

REVIEW BY THE GOVERNOR.

Governor Peirpoint, in his message, addressed himself first to the matter of chief and immediate importance :

It is my painful duty to announce that the late Executive of the State, with a large part of the State officers, civil and military, are at war with the loyal people of Virginia and the Constitutional government of the United States. They have leagued themselves together with persons from other States to tear down the benign governments, State and Federal, have instituted Civil War in our midst and created a system of terror around us. * * *

Last November at the Presidential election the State gave upwards of sixteen thousand majority for Bell and Douglas, both Union candidates for the Presidency. Their principal competitor was proclaimed as also true to the Union; and throughout the canvass any imputation of favoring disunion was indignantly denied by the advocates of all the candidates. At the election

for members of the Convention in February a majority of over sixty thousand votes was given to the Union candidates and with equal unanimity in favor of "Reference." Yet the delegates in that Convention passed the ordinance and attached the State to the Southern league called the Confederate States; and to render the step irretrievable and defeat the whole object of requiring the ratification by the people, put this action into effect immediately; and a month before the vote was to be taken on the question of ratification transferred the whole military forces of our State to the President of the Confederacy and surrendered to him military possession of our territory.

It is claimed the ordinance of secession was ratified by a majority of ninety thousand votes. Had the people of Virginia then so greatly changed? The best evidence that they had not is found in the fact that wherever the vote was really free there was a much larger majority against secession than was given in February to the Union candidates. Intimidation and violence were resorted to over a large portion of the State. The same reign of terror which compelled Union men to vote as they did in the Convention was brought to bear on the people themselves. Vast numbers were obliged by intimidation and force of threatened violence to vote for secession. Many did not vote at all. Many were no doubt influenced by the consideration that the measures already adopted had placed the Commonwealth helplessly within the grasp of the President of the Southern Confederacy, and that she could not escape from this power by the rejection of the ordinance.

The Governor recited at some length the proceedings that had resulted in the reorganization of the State government and bringing the Legislature together to complete the work.

CHOOSING SENATORS.

In the second day's session, it was agreed to proceed on the succeeding Tuesday to the election of United States senators to fill the places of Hunter and Mason. In the

issue of July 9th, the *Intelligencer* came out with a vigorous editorial favoring the election of Mr. Carlile to one of these places, but expressed no preference as to the other:

Can any man give a good reason why Mr. Carlile should not be elected? If it is an honor he is entitled to it. If it is a position of profit, he is entitled to it. If it is a place of work and responsibility, he is capable and fitted for it. He has experience, ability, enjoys the influence and confidence of the government at Washington equal to, if not beyond, any man in Western Virginia. Where is the man who has done as much in the movement now so far along on its successful accomplishment as Mr. Carlile? He has led the van. He and his patriotic friends of Harrison called the Convention in that county; which, in turn, called the Wheeling Convention of the 13th of May; which in turn again called the Convention of the 11th of June; and this latter Convention called into being the present State government. Mr. Carlile has been a leader—a bold and persevering one. If any other public man among us can present equal claims, we do not know it; neither do the people. He is emphatically a representative man in this movement and the world inside and outside of his acquaintance so recognizes him. If such a man is to be overslaughed, then all premium upon patriotic boldness and energy and ability is set aside and he is to stand forth as another proof of the lesson of history that "pioneers labor and their successors enter into their rest."

The Legislature in the early part of the day appointed Samuel Crane to be State Auditor and Campbell Tarr State Treasurer. In the afternoon they elected the senators. Mr. Carlile was chosen to fill Hunter's place by the unanimous vote of both houses, no nomination having been made against him in either. Somewhat to the surprise of the public, the other senatorship was given to Waitman T. Willey, over Van Winkle and Lamb. Mr. Willey received twenty-two votes on the joint ballot; the other eight each. Mr. Willey had taken no part in the work of reorganization but had seemed to hold aloof. In

the May Convention he had held a rather obstructive attitude and had declined to serve on the Committee on Federal Relations. There was a widespread feeling outside the Legislature that there had been nothing in Mr. Wiley's attitude or service, either in the Richmond Convention or afterwards, to entitle him to this high distinction over men like Lamb and Van Winkle.

EXPEDITION TO COLCHIS.

July 1st, Governor Peirpoint authorized Capt. John List, of Wheeling, to go to Weston and take possession of \$30,000 State funds held in bank there for the work of constructing the Hospital for the Insane. It was deemed prudent to have the money in a safer depository. The object being made known to the military authorities, Colonel Tyler of the Seventh Ohio Regiment was directed to accompany Captain List to Weston and enforce the demand for the money. They left Clarksburg Sunday evening and arrived in Weston next morning. Colonel Tyler took possession of the town, and Captain List went to the bank and demanded the money in the name of the Commonwealth—somewhat as Ethan Allen demanded the surrender of Ticonderoga in the name of Jehovah and the Continental Congress. As his backing was good, no resistance was made and the money was handed over in gold, except between two and three thousand dollars then due for labor and material on the hospital; which, after due evidence of the claim, was left for payment to those entitled to it. The residue was taken to Wheeling and deposited in the Northwestern Bank. It was afterwards appropriated for the work on the hospital.

CHAPTER XII.

RECOGNITION OF THE REORGANIZED GOVERNMENT BY THE SENATE.

DELAWARE OBJECTS TO THE NEW SENATORS.

The credentials of Messrs. Carlile and Willey were presented in the Senate by Senator Andrew Johnson, of Tennessee, July 25th. Mr. Bayard, of Delaware, protested against receiving them. "You are undertaking," he said, "to recognize a government of the State of Virginia which is not the regular State government. Even though the State may be in what you call a state of rebellion, you are bound to take notice of the fact that Mr. Letcher is Governor of Virginia. * * * If you say he is in rebellion, that does not authorize a portion of the people of Virginia to form a legislature for the purpose of electing senators to take seats in this body. You have no authority to create a new State out of part of an existing State." He moved the reference of the credentials to the Committee on the Judiciary. A discussion ensued in which Senators Johnson, Trumbull, Hale, Ten Eyck and Collamer affirmed the propriety of accepting the credentials and Senators Saulsbury and Powell seconded by Mr. Bayard, denied. Mr. Saulsbury called attention to the fact that only two days before the Senate had adopted a resolution expelling Mason and Hunter from the Senate,

whereas these credentials showed that the election of Messrs. Carlile and Willey had taken place two days before that, and therefore before any vacancies existed. Mr. Trumbull said it was usual to elect senators before the actual occurrence of the vacancies to be filled. He said the Governor's certificates *prima facie* entitled these gentlemen to be sworn in. If the Senate were to go back of the *prima facie* certificates, then they must take notice of the fact that a portion of the people of Virginia had risen in arms against the government; that another portion was loyal to the Union, had elected a legislature, seek representation in Congress and are entitled to it.

Mr. Bayard claimed that to admit these gentlemen would be to recognize an insurrection in a State for the purpose of overthrowing the State government by a very small minority of its people.

NEW HAMPSHIRE WELCOMES THEM.

Mr. Hale said that instead of recognizing an insurrection, it would be recognizing the loyal and true men of the State who still cling to the Union and support the Constitution. It was no time to stand on form or ceremony. It was a question of life or death with the Republic, which could not live a day after they yielded to the position of the Secessionists. It had come to the very last point where they must either vindicate the government or go out of national existence forever. It was a contest that had been going on through all time between despotism and constitutional government with liberty—the battle of all past ages and all coming generations, culminating in

the experiment we are making to-day. If senators hesitated to meet the issue in all its aspects, in all its contingencies, on this floor, on the field of battle, and everywhere, they would be unworthy of the day and hour in which God Almighty had permitted them to enact the part he had assigned them in the great chapter of human destiny. For his part, he was "glad he had been born when he was, so that his lines had fallen here to-day—glad his destiny was linked with the great contest that had been coming, coming, coming with every successive generation and every successive experiment that the world had ever made in all the past." It was no time to hunt up justice of the peace records to find precedents. They must accept the contest as it had come—anomalous and destitute of precedents but destined to shed an infinite light on the future. In such a contest, the only question he asked was: "Is your heart right? If it be, join with us in this great struggle." If there are loyal men in Virginia determined to stand by the cause of civil liberty in this hour of peril, let them come.

The vote on admitting the Virginia senators was 35 to 5—the latter being Bayard, Bright, Polk, Powell and Saulsbury.

CHAPTER XIII.

THE AUGUST CONVENTION—PREPARING FOR DIVISION.

CASH IN HAND.

The day the Convention reassembled, the *Intelligencer* said:

The success of our new State government is beyond the most sanguine expectations of its warmest friends. Every day more and more demonstrates the wisdom that governed the councils of its reorganization. The news comes in constantly that people by counties and by communities, wherever our victorious arms have spread, are gladly rallying to its support and defense. Company after company, both in State and United States service, are being mustered in, and ere the summer is gone we shall see some ten thousand of the true and patriotic sons of Western Virginia in the field under the glorious flag of our country.

The editor comments on the financial success of the new government. The taxes paid were already beyond its needs; and the Federal government had just paid over in gold upwards of \$40,000, due the State by the distribution of 1841 from sales of public lands, now worth in current funds some \$44,000 to \$45,000.

Yet these prosperous conditions were not very old. When the restoration had been completed by the Convention the treasury of the restored government was, of course,

empty. Governor Peirpoint and Mr. Van Winkle had been obliged to borrow from the Wheeling banks on their personal endorsement, and had in this way raised \$10,000.

COMMITTEE ON DIVISION.

August 6th the Convention came together again, to resume the work before it. Immediately after prayer, Mr. West of Wetzel offered a resolution to raise a committee of one from each county to take into consideration the whole subject of a division of the State, as a basis for action by the Convention. The proposition was agreed to and later the committee appointed as follows:

West, of Wetzel.	Cather, of Taylor.
Crawford, of Hancock.	Zinn, of Preston.
Nichols, of Brooke.	Parsons, of Tucker.
Wilson, of Ohio.	Crane, of Randolph,
Burley, of Marshall.	Meyers, of Barbour.
Johnson, of Tyler.	Smith, of Upshur.
Stuart of Doddridge.	Lightburn, of Lewis.
Williamson, of Pleasants.	Withers, of Gilmer.
Douglas, of Ritchie.	Davis, of Harrison.
Van Winkle, of Wood.	Graham, of Wirt.
Flesher, of Jackson.	Slack, of Kanawha.
Wetzel, of Mason.	Trout, of Hampshire.
Brumfield, of Wayne.	Hawxhurst, of Fairfax.
Kramer, of Monongalia.	Michael, of Hardy.
Miner, of Alexandria,	Koonce, of Jefferson.
Barnes, of Marion.	

Questions like stay-law, confiscation of rebels' property, increased compensation for sheriffs and collectors, were raised and sent to the Committee on Business.

FARNSWORTH REVERSES.

In the second day's session, Mr. Farnsworth offered this:

Whereas, The late Legislature refused to give its consent for a division of the State or the formation of a new State; and, *whereas*, we deem it necessary, in compliance with the Constitution of the United States, to have such consent before the creation of a new State, therefore

Resolved, That we deem it unwise at this time for this Convention to take action for a division of the State, and that when it adjourns on Friday next it will adjourn sine die.

The resolution was laid on the table, on motion of Mr. West, by a vote of 39 to 25. Mr. Todd of Taylor renewed the resolution in substance except that instead of proposing an adjournment it declared it inexpedient to legislate, and had it referred.

RICHMOND "VOID."

The Business Committee, among other things, reported an ordinance, which was passed two days later, declaring the proceedings of the Richmond Convention a nullity, in these terms:

That all ordinances, acts, orders, resolutions and other proceedings of the Convention which assembled at Richmond on the 13th day of February last, being without the authority of the people of Virginia constitutionally given and in derogation of their rights, are hereby declared illegal, inoperative, null, void and without force and effect.

CARLILE ANTICIPATES COMMITTEE.

On the third day Mr. Carlile submitted resolutions to instruct the Business Committee to report an ordinance providing for the organization of a separate State embracing the following counties:

Jefferson, Berkeley, Morgan, Hampshire, Hardy, Barbour, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall,

Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, and Wood, 38.

And another ordinance providing that any counties "lying contiguous to the boundaries proposed for the new State, and whose people shall express a desire to be admitted, shall form a part thereof;" and also instructing the committee to report "a constitution and form of government for the proposed State, to be submitted to the people thereof for ratification or rejection at the polls on the fourth Thursday of October next, and that at the same time the sense of said voters be taken upon the question of the formation of the said new State." Mr. Carlile said these resolutions were offered as a sort of test to ascertain the sentiment of the Convention.

WIDE OF THE MARK.

If the reader will for a moment consider how much it involves to frame an organic law for a State under ordinary conditions, and then how much more for such a State under the surrounding circumstances—about to cut loose not only from the parental household but from the old rules, laws, systems, traditions, down to the most fundamental bases, and evolve new ones on radically different lines, adapted to different ideas and needs—he will realize how wide of the mark was Mr. Carlile's proposition, that a mere committee should, in a few hours or days at most, prepare a constitution and form of government for such a State.

Mr. Stuart of Doddridge moved to lay the resolutions on the table. Mr. Carlile supported them in an elaborate

address. He thought the time had now come for action, and went over the grounds which prompt a separation under ordinary circumstances. But the existence of the struggle now in progress, he said, suggested additional reasons for prompt action. If the result of the war should be an agreement for a division of the country into two governments—a thing he did not expect, yet something that was always within the range of possibility—the territory of Western Virginia might come into controversy in the settlement, and it might make a difference in such a settlement whether it was a part of the Old Dominion or an independent State. He had recently advised delay until the Restored Government had been fully recognized. The admission of our Senators, he being one, had completed that recognition; and under the decision of the Supreme Court of the United States in the case familiarly known as *Luther vs. Borden* (the Rhode Island case,) that question was settled beyond possible controversy. He did not think the formation of this territory into an independent State could in any way embarrass the Federal government in its operations against the rebellion but would rather strengthen its hands. It rested with this Convention to initiate the movement, and that was all it could do. The Legislature, whose consent was necessary, would not reassemble until December. As to the refusal of the Legislature at its July session, they had no right—at least there was no occasion—to give their consent in advance of an application. No proper application could yet be made. There was nothing now to prevent this Convention taking the initiatory steps. Let us ascertain the sense of the people within the boundaries proposed, lay before

them the form of government you expect to extend over them, and if they desire it, their servants in the Legislature can give their consent. Mr. Carlile concluded his address in these words:

Under the incubus of a false political philosophy, we have here been digging, in an almost primitive state, from the bowels of the earth, the necessary means of support, while nature has filled us to overflowing with all the elements of wealth seeking nothing in the world but the hand of industry to develop them and bring them into active use. Borne down by an Eastern governmental majority, cut off from all connection or sympathy with a people with whom we have no commercial ties, we have endured the disastrous results that must ever flow from an unnatural connection. Cut the knot! Cut it now; apply the knife!

Mr. Stuart of Doddridge objected that under the proposition of Mr. Carlile the Committee on Division would be instructed to report a constitution and form of government. He held this body had no right or power to frame a constitution. That should emanate from the people who were to be governed by it. He was for referring this question to the people, and if they voted for a division he was agreed to it. But he had not been sent here for the purpose of dividing the State of Virginia or of making a constitution for a new State. The thing had never been mooted before his people. The Committee on Division had the general subject under consideration, and he objected to tying their hands by this special instruction. He moved to lay the resolutions on the table. The motion prevailed by 38 to 32.

DIVISION COMES FROM COMMITTEE.

On the 10th inst., Mr. West from the Committee on Division reported an ordinance to provide for a division of the State. For this no less than eight substitutes were subsequently offered. These were made the order for the following Tuesday and each day till disposed of.

A MONSTROUS BIRTH.

The committee's ordinance which had now come before the Convention was one that could not possibly accomplish what the title proposed. Just who or what purpose shaped it cannot be precisely known, or whether it was the result of honest effort to compromise and harmonize by an unwieldy committee, made up in an incongruous way, with a large majority of material in it entirely incapable of a clear and connected plan. Mr. West proposed to take in all the northern part of Virginia clear across to the Potomac south of Washington, with nothing but an imaginary boundary between that territory and the rest of Virginia, and at the other end, to run a sort of snout or tail clear down to the Tennessee line. He provided that the Virginia constitution, as modified by the ordinances of this Convention, should be adopted for the proposed State. He proposed to start his boundary on the Tennessee line so as to take in a part of Scott County, all of Russell; thence to run along the top of Clinch mountain "to the county lines of Giles County; thence with the county lines of Giles and Tazewell to the county line of Mercer." This description seems to be faulty, as the maps show Bland

County intervening between Tazewell and Giles. The description of the lines, which is by mountain ranges in some places, is obscure and it is difficult to reconcile it with the maps; but it appears to take in Highland, Pendleton, Hardy, Hampshire, Frederick, Loudon and Fairfax, the line running to the Potomac south of Alexandria. One merit of the scheme urged by Mr. West was that it embraced the grave of Washington. He thought that would commend it to the favor of Congress when the new State knocked for admittance. But it seemed to the writer then, and does yet, that a Congress possessed of common sense and ordinary artistic susceptibilities would have been shocked by such a territorial monstrosity. As for the Pater Patriæ, if he could have looked down and have seen the part of his country in which he had once been specially interested carved and disfigured in the way Mr. West proposed, he must have turned over in his coffin by way of protest.

DEBATE ON DIVISION.

In the afternoon session, Mr. Barnes of Marion spoke against any division of the State. There had been no popular uprising or demand for such a measure. According to the spirit of the constitution, they ought to have the consent of the eastern as well as the western portion of the State, and that could not now be obtained. He doubted if Congress would admit a State on a merely technical consent. He thought it better not to make the trial now and fail but to wait for the ripe fruit to fall into our hands. The time had not yet come for it. He had no objection to an expression on the subject, but was not

willing the people should be distracted with such a question at this time.

Mr. Martin of Wetzel asked if a division could not be had now, when could they obtain it?

Mr. Barnes replied: When the Secessionists are driven out of the State.

Mr. Martin said the Secessionists being in revolution against the United States had made themselves aliens and no longer citizens of either Virginia or the United States. Secession was unconstitutional. We have nothing to do with them, he said, as it regards our rights or interests in Western Virginia. For himself, he was for division even before the Richmond Convention was held, and his people had elected him on that issue. He was for a division not only on account of the recent wrongs but from long conviction. He spoke of the natural barriers and diversities dividing the West from the East. The people expected a division from this Convention and would be disappointed if the foundation for it were not laid. The people of Wetzel had instructed her members to go for immediate separation; that this Convention should prepare the work so as to ask the consent of the Legislature which meets in December; and having that, to apply to Congress for admission. As to embarrassing our friends in the East by this movement, nothing short of the power of the United States could crush out secession in Eastern Virginia. How could division in any way hamper the government in that work? But after they had obtained the consent of the Legislature, it would still remain with Congress to refuse or delay admission if there were any apprehension of such embarrassment.

Mr. Van Winkle moved to strike out "New Virginia" from the ordinance and substitute "Allegheny," and this was agreed to.

Mr. Farnsworth's substitute came up for consideration next morning. It started the line of division at the Kentucky line on the Tug Fork of Sandy River, where Logan and Buchanan Counties join the river, and ran so as to include Logan, Wyoming, Raleigh, Fayette, Nicholas, Webster, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley and Jefferson.

Mr. Boreman of Tyler offered by way of substitute a paper consisting of preamble and resolutions, taking the ground that it would be premature and unfair to those parts of the State not represented here to authorize the formation of a new State, and recommending that the Legislature, "providing the people within the proposed boundaries shall be freed from their present embarrassments and the state of affairs in the country will then admit of a full and free expression of the popular sentiment," provide for taking a vote within the boundaries on the question of division on the first Thursday of January ensuing. These resolutions had apparently been drawn by Mr. Van Winkle, who followed them with an elaborate argument against any present attempt at division. He spoke two hours and the *Intelligencer* pronounced his speech "a masterly effort, cogent, logical and comprehensive; the very strongest that has yet been made, or we believe can be, against a division of the State." No synopsis of the speech was printed because it was the intention to print it in full and as a result of its great

length it was not printed at all. Mr. Van Winkle, however, did not take ground against division per se, but against the expediency of it at that time. He was replied to by Mr. Crane, who, while a fervid orator, with the gift of real eloquence, could not put his arguments into the compact shape given his by Mr. Van Winkle.

ATTORNEY GENERAL BATES LENDS A HAND.

In the next day's session, Mr. Ritchie of Marion, spoke against division. He held that it would violate the spirit if not the letter of the constitution and cited the clause in reference to the formation of new States. The consent of the whole State must be had, not that of one-third or one-fourth; it would embarrass the action of the general government in its efforts to put down the rebellion; the slavery question must come up in the formation of the constitution, and this would create controversy in Congress and among our own people. The present State government, he said, would be abrogated and the people of a portion of the State left without any government. He desired a division of the State at the right time, but entered his protest against attempting it now. He presented a letter from Hon. Edward Bates, Attorney General of the United States, expressing the opinion that:

The formation of a new State out of Western Virginia is an original act of revolution. I do not deny the power of revolution. I do not call it a right, for it is never prescribed; it exists in force only and has and can have no law but the will of the revolutionists. Any attempt to carry it out involves a plain breach of both the Constitutions of Virginia and of the Nation. And hence it is plain that you cannot take that course

without weakening if not destroying your claims upon the sympathy and support of the general government and without disconcerting the plan adopted by Virginia and the general government for the reorganization of the revolted States and the restoration of the integrity of the Union.

This letter shows that when it was written Mr. Bates had not studied—at least had not understood—the question he disposed of in this summary way. Before the date of the letter, the executive branch of the United States government—whose legal adviser Mr. Bates was supposed to be—and likewise both houses of Congress, had recognized the procedure which furnished the basis for the formation of a new State as entirely within the requirements of the Federal Constitution and of the State constitution. The Legislature had been recognized as the legislature competent to give its “consent,” so that no “original act of revolution” was now possible. The later event proved that the United States, so far from being embarrassed by the erection of West Virginia, was actually strengthened, for the military organization under the new State was stronger than before. The restored government was not “abrogated,” as Mr. Ritchie had apprehended, but removed to a part of Virginia beyond the lines of West Virginia when the authority of the latter was established. The plan of reconstruction which was prematurely disturbing Mr. Bates was not the present exigency he thought it. Only one great battle had been fought, and that had been disastrous to the Union arms. It was hardly time for the administration at Washington, or for restored Virginia, to be laying plans for reconstruction. When reconstruction came around five or

six years later, even Mr. Bates could not have shown how West Virginia was in the way of it. Three months earlier, in a letter to John Minor Botts of Virginia, Mr. Bates had declared that if Virginia should "dismember the Nation, she herself would be dismembered." He repeated this and to emphasize it said: "Now mark my prophecy: Unless Virginia by a rapid revolution redeem herself from the gulf that lies open just before her, she will be degraded, impoverished and dismembered." So she was. Mr. Bates was a better prophet than lawyer!

SMITH'S "LEGAL FICTION."

Fontaine Smith of Marion followed the reading of Mr. Bates' letter on the same side of the question. He began by showing the natural reasons demanding a separation, but contended there were insuperable difficulties at present. One was that the intention of the Constitution of the United States could not be complied with. The full consent of the State was necessary, and this could not now be obtained. The larger part of the State was in duress, and it would be wrong to take advantage of what he described as "a legal fiction" to obtain a division now in opposition to the wishes of the eastern part of the State, which was as much interested as the West and had an equal right to be heard. "Having now assumed to be the State of Virginia," he said, "we are, of course, responsible for the entire State debt." If they divided the State and abdicated all the government of Virginia, it would be running counter to the interest of those who held the State bonds and their opposition would have to be encountered. His own position was taken boldly that a division could

be obtained only by consent of all of Virginia, eastern and middle, as well as western. * * * When the rebellion should have been driven out of the rest of the State, the power of the government would be in the hands of a different class of men in that part of the State from what it was now—poor men, whose interests would be identical with our own, friendly to us, who, if we then desired it, would give their consent to a separation. He looked upon the question of slavery as a matter of climate and soil. Men would be governed by their interests. If the question were agitated now while the present party was in power, the application for admission would be rejected. His plan was to adopt the present State constitution, with necessary modifications, and hold an election in October to get a popular expression.

In the afternoon Mr. Paxton addressed the Convention. He admitted nothing should be done which would really embarrass the government. It could not be denied that the greater part of the loyal people of Western Virginia were represented here. They had long been oppressed by the remainder of the State, and even their warning when the ordinance of secession was passed, that the people would not submit, was treated with contempt. Our best interests demand the separation. This being true, now that the constitutional difficulty had disappeared, why not initiate steps for a division? The only substantial objection was that it would embarrass the government. He could not see how. They were now entirely dependent on the government and even if all other steps had been completed, they would avail nothing without the consent of Congress. The government thus held

the final control; and, therefore, how could the preliminary steps embarrass it? If the State was ever to be divided, it must be begun sometime, by somebody. It would not divide itself. He believed Congress would in good time sanction any proper division, and that the Convention ought not to adjourn without taking some step to meet the expectations of the people.

Mr. Lewis of Harrison followed in a somewhat rambling speech in favor of division. In the course of his remarks he said this Convention had been convened for the express purpose of a division of the State, and he read letters from citizens of the interior urging some measures looking to that end—one from Hon. Wm. G. Brown, who told him now was the time.

Mr. Smith of Marion offering to read a letter from Attorney General Bates, was reminded that the letter had already been read. Mr. Carlile remarked that there was "another letter from Mr. Bates now in the possession of the Secretary in which he took very different grounds from those taken in the letter read;" and if the Attorney General was to be dragged in here to influence the action of the Convention, he should insist on having him "presented in both phases." Mr. Bates might be good authority "but he was not their constituents."

GOVERNOR POLSLEY SEES A NEW LIGHT.

The succeeding morning, Governor Polsley spoke against division. He argued the specific object for which this body had assembled, as shown in the second address issued by the Central Committee, was the reorganization

of the State government. Not only so, but such was the understanding and such substantially our own declaration in the June session, having then unanimously declared that it was imprudent and inexpedient to undertake a division of the State. They should limit themselves to their legitimate powers. They would be even more despotic than the Richmond Convention if they proceeded now to effect a division before a free expression of opinion could be had. It was impossible for even one-fourth of the counties included in the boundaries to give an expression upon the proposition. He desired earnestly that this commonwealth might be divided as early as possible, but he feared a false step now would defeat that object. As for the danger in the event of a compromise with the rebellion, he had never permitted himself to believe such a result possible.

Mr. Hubbard of Ohio followed Mr. Polsley and concurred in his contention that this Convention was not inaugurated for the purpose of dividing the State, but for the reorganization of a government for the whole State and the support of the general government in putting down the rebellion. He referred to the tabling by a vote of 50 to 17 of Mr. Farnsworth's resolution to declare that the object in reorganizing the State government was to obtain a division of the State. His objection to action now in the direction of division was that it would embarrass the government in putting down the rebellion. If the regular State government now in operation were destroyed, how could the remainder of the State ever be restored to the Union? The President of the United States had said

this movement here was worth more to the government than an army with banners.

Mr. Carlile said if he could be convinced that the action they proposed would embarrass the Federal government in the slightest degree in its efforts to maintain the Union, he would join in voting the proposition down. But how embarrass? Did the Ohio River which divides us from Ohio embarrass the administration? The idea that imaginary lines defining the boundaries of States crushes the power of the government to maintain and protect itself was baseless. We cannot ourselves divide the State. We simply propose that the people within a certain boundary may be permitted to declare their wishes on the subject. How will this embarrass the government in its military operations? Would some gentleman be kind enough to point out how?

Mr. Hubbard asked how was Eastern Virginia to be restored to the Union if the State were divided?

"Who" asked Mr. Carlile, "restored Northwestern Virginia to the Union? The loyal people of Northwestern Virginia. The loyal people of Eastern Virginia will have to restore the East. That is the way every seceded State in the Union is to be restored. But the passage of this proposition will not defeat that object, nor render us less powerful than now. Nor do I expect we will have here assembled representatives from all Virginia. Does the gentleman from Mason think if we wait until there is a full representation here from every county in the State a separation will ever be obtained? As to the unkindness of taking advantage of our eastern brethren, how much they consulted our interests in what they have been doing! It was well understood Mr. Farnsworth's resolution was tabled because the time for a manifesto was especially inopportune. The Legislature had not met, had not elected senators, and the

senators had not been admitted. In a word, we had no Legislature at that time qualified to give the requisite consent. I myself opposed the resolution and said that as soon as could be after we had such a Legislature, I would be foremost among those who sought the division of the State. Interest is the base of all political action, and if we believe our interest requires this separation, we are justified in the eyes of the world. As to the matter of embarrassing the government, it could not possibly do so up to the point of our application to Congress. Then the decision of that very question will rest with Congress, and they may admit us or ask us to wait for a more auspicious time.

Mr. Carlile added that their action in that direction could not affect the government at Wheeling.

Mr. Van Winkle remarked that they "would bring it into contempt."

"Sir," replied Mr. Carlile, "you cannot bring a government into contempt while my friend from Wood is a member of it."

Touching the financial aspects of the question, Mr. Carlile said that whenever a settlement should be made between this portion of the State and the residue and a correct balance struck, it would be in our favor.

Mr. Smith of Marion asked how the settlement was to be made?

"That, sir," replied Mr. Carlile, "is to be left to yourself and other eminent gentlemen in the future legislative assemblies of Virginia to determine."

There was no reason in morals or in law, Mr. Carlile argued, why we should not avail ourselves of this opportunity. There had never been a time before in his judgment when it could have been accomplished peacefully, legally, constitutionally. So far from embarrassing the

operations of the government, it would in a military way strengthen its hands. With a separate existence they could give the government a better support than now, embarrassed as they were at every step by the innumerable burdens weighing upon them so long as they remained a part of Virginia. As representatives professing obedience to the will of their people, it was as little as they could do to give them an opportunity to be heard at the ballot-box on this subject. That was all that was proposed, all they would be pledged to by any action taken here.

Mr. Stuart of Doddridge wanted it distinctly understood that he was in favor of a division of the State, and he had believed and urged it should take place at the time of the constitutional convention of 1850-51.

But, he said, we are here reorganizing our government interests. Everything sinks into insignificance in comparison with maintaining the Union. If action here was likely to endanger the cause of the Union, they should hesitate. He quoted the constitutional provision in regard to the formation of new States. It was contrary to all ideas of justice to suppose it meant that two-thirds of a State could cut loose from the rest by an arbitrary majority. If two-thirds could not, how could one-fourth force a division without the consent of the remainder?

FARNSWORTH IN LINE AGAIN.

Mr. Farnsworth followed. He charged upon a portion of those opposing immediate action that they were opposed to the formation of a new State altogether. Two of the members had told him they were, and they were

found acting with the gentlemen who professed to be in favor of division but were now opposing what they were pleased to call precipitate action. The argument of the gentleman from Wood was that one of the great objects was to get into position to legally and constitutionally take these steps. If they were not in such position now, they never would be. He recapitulated the different steps that had been taken to make this a legitimate government. They were not to be prejudiced, he claimed, by the rebellion in Eastern Virginia. They were not responsible for that; and they were not to suffer because the rebels there had done wrong. He took the ground that the government could not refuse them admission as a new State if the application were properly made. It was a right they had under their State constitution and under the Constitution of the United States, with assent of their legislature, to demand admission. The argument that if they should be formed into a new State they could not be loyal to the United States was the weakest he had ever heard; and if the success of the general government depended on denying the rights of the people of Western Virginia, then its success hung on a very brittle thread. But the government was high above such a position. She was contending for Constitutional liberty and we with her contending for the same. It was taking no advantage of the East. They had refused to join us, and should we suffer because of their refusal? There was a settlement to be made with Eastern Virginia, but the separation would not aggravate the case in the least. As to the boundary, he would like to have the line run with the mountains, but at this time perhaps that boundary could not be had.

Only give us a State composed of such counties as named in his proposition and it would vie with any other State in the Union. He was opposed to taking in any counties at this time that would have to be coerced into measures.

MR. LAMB IS AGAINST IT.

Mr. Lamb followed at some length. He declared at the outset that he was "for a separation of this State when it can be done at the proper time and in a proper manner." He would like to have the line of the Blue Ridge if it was to be had; if not, the line of the Alleghenies as far south at least as the Kanawha. He thought it essential we should have a boundary capable of military defense to make our position a respectable one in the family of States. He recited what the west had suffered from the misrule of the east, and added that our social habits were different and our commercial relations were not with them. Every consideration which could be addressed to the wisdom of a statesman demands a separation; but it should be when we can command a suitable boundary and when a full and free expression of opinion can be had throughout the limits of the new State. These conditions could not be complied with now; and in the heat with which members now pressed the measure, he saw nothing but what presaged misfortune for Northwestern Virginia. It was not sixty days since the present government was inaugurated, and they were already seeking to overthrow all that had been then done. This disposition to be continually changing great fundamental institutions could lead to nothing but misfortune. They

were proceeding more rapidly than the zealots of the French revolution. Why this haste? They were no longer subject to the control of the East, though in two ways they might again become so. One was in event the United States should be unable to maintain itself and defend them. The other in case the territory of the State was repossessed by the Union arms and resumed its place under this restored government. But there would be plenty of opportunities to bring up the question of separation before all Eastern Virginia was represented. The progress of the armies would be gradual; they would be able to foresee when the East would come in and act accordingly.

But suppose, he said, a new State were formed within the boundaries proposed? As a matter of course the present government, which has been acknowledged by the Executive of the United States and by Congress is superceded; because from the time this Convention announces that another government is to be formed, who will obey or regard the present government? Then if the armies of the United States are to succeed in Eastern Virginia, to carry out the plan of the administration a new State government is to be formed there. As Secessionism is put down in district after district of the State, the counties of Eastern Virginia are to be furnished again with a constitutional nucleus. This restored government is out of the way. What sort of a government will be formed in the east? Necessarily a government to represent the State of Virginia. Your new State will yet be antagonized. Neither Congress nor the Executive can act in reference to it; for carrying out the great plan in bringing back the State of Virginia into the Union, they must, as expressed in the letter of the Attorney-General, have "a constitutional nucleus" around which the shattered elements of the Union throughout the State can rally. Another State government for the east would then be a necessary result. As the arms of the United States prevail, this government will extend

itself over the whole east. It will be a government which the United States will recognize, and will be the legal government of the State of Virginia. Then you have superceded your old government, which the United States has recognized as the legal government of the State, and your new (State) government has no such claims, for it is nothing in fact or in law until recognized by the Government of the United States. What respect will the new government in the eastern part of the State then pay to your ordinances or to the lines marked out for a new State? The State of Virginia will have again that very control over you of which you have so much and so justly complained. I see in the measure which you propose to us quite as much cause for apprehension that Eastern Virginia may again extend her dominion over us.

This argument lacks Mr. Lamb's characteristic soundness and sagacity. The mistaken assumption that the restored State government would go out of existence when the new State came in leads him into a maze of weakness and confusion quite foreign to Mr. Lamb's usual strength and correctness. Mr. Ritchie fell into the same error, that the restored government would be "abrogated." So far from it, that would be impossible; having the official recognition of the Executive and both houses of Congress, and the action of Congress being conclusive that it thereby became the legal, legitimate, constitutional government of the State, with senators and representatives in Congress, it had become a political impossibility for it to be "abrogated." If there should not be a foot of territory over which the restored government could assert its authority till recovered by arms, it must none the less remain a political entity so long as the Federal government continued, representing loyal Virginia then wholly in duress.

The United States could not recognize another government in place of it. If confutation were necessary we have it in the event. Governor Peirpoint's authority did not cease—was not impaired in the least—when the new State came in save as to the territory thus withdrawn from his jurisdiction. The restored government remained undiminished over the remainder of the Commonwealth. Governor Peirpoint removed the archives to Alexandria, and two years later, when the duress had been removed by Appomattox, the restored government was established as the rightful government of Virginia in the ancient capital on the James.

GOVERNMENT NOT "PROVISIONAL."

In answer to some objections that had been made by Mr. Lewis of Harrison to the manner of organizing what he referred to as a "provisional government," Mr. Lamb took some pains to explain that the restored government was not a provisional government.

When this Convention met in June, said Mr. Lamb, it was impossible to have throughout the counties of Northwestern Virginia an election for Governor. The Convention from imperative necessity were obliged to assume the responsibility of electing a Governor themselves. That far we interfered with the rights of popular sovereignty; but we trusted to our constituents to excuse us for that interference on account of the necessities, the difficulties, the vast embarrassments with which we were surrounded. They unanimously approved of our course. Throughout the whole length and breadth of this land, our action in June has been approved—approved by the Government of the United States, approved by the loyal men of the loyal States everywhere. We were fully justified in doing it. But having elected a Governor in this irregular and—except so far as it was justified by the circumstances—unjustifiable

mode, we prescribed six months for his term of office. Yet we went on here to enact as follows: The General Assembly to provide by law for the election of Governor and Lieutenant-Governor by the people as soon as in their judgment such election could be properly held. The office of Governor under the reorganized government was not to terminate at the end of six months, at least according to the ordinance for the reorganization of that government. An express provision is made for its continuance in a regular manner by popular election when the Legislature think such an election can be held. The Convention did not recommend this to the Legislature. They *required* it. The provision in regard to members of the Legislature is that "they shall hold their offices from the passage of this ordinance until the end of the terms for which they were respectively elected." The members of the House of Delegates under this system hold until 1863 and a portion of the senators until 1865. When the terms of those officers expire, if this system is to be continued, their successors will be elected in the regular way. In no proper sense of the term, therefore, is this merely a "provisional government," for a provisional government, I take it, is a government which fixes in the very charter of its creation a period beyond which it is not to continue.

Mr. Lamb recited the facts to show that the call for this Convention had been addressed to the whole State. In concluding his remarks he said:

I fear if you press this measure upon us, as you seem determined, that its only result will be woe to you and me and mine; but if the measure carries, I shall join heartily, fairly and honestly in carrying out your determination. My fate will be yours; and I can only hope that whether weal or woe come of it, I may still be able in any event to protect those who are dependent on me.

A FAMILY JAR.

The next day (Saturday), the 17th, was spent over the several substitutes for the committee's ordinance. Mr. Carlile offered, in the way of compromise as he said, to

embrace only the territory proposed in Mr. Farnsworth's substitute and then make it the duty of the Legislature at its next session to provide for submitting the question of division at an early day to the territory so embraced. Late in the day, Mr. Stuart of Doddridge moved, as an amendment to Mr. Carlile's proposition, to substitute the territory included by the committee's original ordinance—from the Tennessee line to the tomb of Washington. In the discussion of this, Mr. Carlile, having exhausted his privilege, rose to speak when several members objected. Mr. Carlile became emphatic and said, amid great confusion, that if after the offer he had made to meet the other side on a compromise this course were to be pursued by them, he would take it all back, and if they "would and must have war," they should have it. Some member cried: "And war it shall be!" Another: "We will meet you!"

The vote on Stuart's amendment was taken, and it was carried by one majority.

Mr. Farnsworth remarked that they now had "no further business here," and he moved to adjourn sine die. Several members cried: "Yes, let us adjourn and go home!"

The sine die motion was not seconded, and the Convention adjourned in disorder.

RECONCILIATION AND PROGRESS.

Monday morning the Convention came together in calmer temper. Mr. Hooton of Preston brought forward a proposition to appoint a committee of six, with instructions to bring in a measure on the subject of division that



DANIEL D. T. FARNSWORTH.

should, if possible, harmonize the conflicting views of the Convention. This proposition was the beginning of wisdom. It was agreed to; and later in the day a committee, representing both sides about equally, was appointed as follows: Farnsworth, Carlile, Paxton, Van Winkle, Ruffner and Lamb. This was a wieldy and excellent committee, capable of preparing a measure which would be workable in details.

THE COMMITTEE REPORTS.

Next morning Mr. Farnsworth, chairman of the committee, brought in "An Ordinance to provide for the formation of a new State out of a portion of the territory of

this State." The first section included unconditionally the counties of Logan, Wyoming, Raleigh, Fayette, Nicholas, Webster, Randolph, Tucker, Preston, Monongalia, Marion, Taylor, Barbour, Upshur, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Wayne, Cabell, Putnam, Mason, Jackson, Roane, Calhoun, Wirt, Gilmer, Ritchie, Wood, Pleasants, Tyler, Doddridge, Wetzel, Marshall, Ohio, Brooke and Hancock (39); and provided that the State should be called "Kanawha." It provided for an election within these boundaries on the question of division, to be held October 24th, delegates to be chosen at the same time to frame a constitution if division should carry. At the same date the people in Greenbrier, Pocahontas, Hardy, Hampshire, Morgan, Berkeley and Jefferson were to be allowed to vote for or against being included; and if their vote should be for, the constitutional convention was authorized to so alter the boundaries as to include these counties.

It was apparent that the ordinance had been drawn by Mr. Lamb or Mr. Van Winkle, or between them. The careful and systematic arrangement of its provisions showed their hand. While both were against such action at the time, evidently both had deemed it best to give the Divisionists a fair opportunity to submit their question to the people. Mr. Van Winkle was in some degree won over by an agreement for a constitutional convention; and the name "Kanawha" was a concession to him as well as to Mr. Ruffner. Mr. Lamb having put his hand to the plow, did his best to prepare a measure capable of being carried out. Without the co-operation of Lamb and Van Winkle, it is more than doubtful if any in the Convention

could have prepared an ordinance which would have accomplished—at least without a good deal of friction—what the new State men sought. It had been demonstrated that, with all his talents, Mr. Carlile was not the man to do it.

VAN WINKLE SUPPORTS.

After the reading of the ordinance, Mr. Van Winkle remarked that the questions involved were those of time and boundary. They had conceded, he said, to the gentlemen on the other side an opportunity of bringing this matter before the Legislature at its next session in consideration, in part, of the fact that if the Legislature should hold only its regular session it would not meet again until two years after December next. He considered that some concessions had been made to his side of the question in providing for a convention to frame a constitution. There were serious objections to going on with the old constitution and organizing a new State under its provisions and in a few months having to make another constitution. The constitution to be framed by the Convention would be submitted to the people. In reference to the boundary, he had been strongly disposed to include the Valley, but had somewhat changed his opinion. One ground for the change was that it would be taking too much from the old State; another that the Valley itself would not consent—at least no other part of the Valley than the counties provided for in the ordinance. The ordinance had been made up from the different propositions offered and was the result of a sincere desire on the part of the committee to present something which would meet the approbation of

the Convention and the people generally. The great concession on his side was in conceding early action, to refuse which would perhaps have been fatal to the whole thing.

POLSLEY AGAINST.

Mr. Polsley opposed the committee's report. His real objection was that the Convention had no power to act on this subject; that "although we are *de jure*—we are, in fact, the rightful government of the whole State of Virginia, according to the principles of American government and according to the principles recognized by the government of the United States—yet we are not *de facto* the government of the whole State of Virginia." For this reason he could not feel they had any right to adopt measures for a separation of the State. Mr. Polsley, it may be recalled, was one of those who, in the May Convention, were ready for the most radical measures. He was in full sympathy with Mr. Carlile in his wish to effect an immediate separation, and was not frightened when told by Mr. Willey that such a course would be "triple treason." Now he had swung around to the other extreme.

MR. LAMB COMES AROUND.

Mr. Lamb supported the committee's report. He would remind his friends that by the Constitution of the United States no action of the people of Virginia could effect anything without the consent of the Legislature towards the formation of a new State, and that consent must be free and untrammelled. This was one security against division. Another was that another convention was to be held to

prepare and submit a constitution to the people of the new State. If that convention should find the state of things would not allow the subject to be fairly and freely acted upon, they certainly would postpone the matter until such expression could be had. He thought they had a reasonable security that no action would be had unless an actual and fair expression of popular sentiment should be previously secured.

Mr. Tarr proposed to amend the ordinance so as to include Hampshire, Hardy, Morgan, Berkeley and Jefferson without conditions. Mr. Stuart of Doddridge moved to include also Pendleton and Highland. Mr. Burdett remarked that some idea of the strength of the Union sentiment in Highland could be formed from the fact that the first troops to invade Northwestern Virginia were from Highland County. They had been quartered in his town and in his own house. Among them was one Captain Hull, who in the Richmond Convention had been a Union man, but who had finally yielded to the pressure.

A QUESTION OF TRANSPORTATION.

Mr. Stuart inquired if there had not been a company of Secession troops in Taylor County before these came in from Highland?

Mr. Burdett replied that might be true; but he had only alluded to the fact to show how strong was the Union sentiment in Highland. He supposed the gentleman from Doddridge had perhaps some relatives over there, and he "believed it would be cheaper for him to go over to them than to try to bring the country to us."

Mr. Stuart's amendment was lost, and Mr. Tarr's motion agreed to by 35 to 27.

THE FAT IN THE FIRE.

Mr. Carlile took the floor and said that by the action just taken the ordinance had been destroyed. The provision in the ordinance was to allow these counties to come in if they desired, not to force them in against their wish. One object was to get rid of the Secession forces. He believed Eastern Virginia was willing to let Northwestern Virginia go and form a separate State; but would they be willing without a fierce struggle to let go these counties containing some eight thousand slaves and which were within their natural boundaries? There was no assurance that these counties want to come to us at all. As to wanting them because the Baltimore & Ohio Railroad runs through them, in times of peace we have free and unmolested use of the road and in times of war it depended on who had military possession of it.

Mr. Caldwell of Marshall, interrupting, moved a reconsideration of the vote adopting Mr. Tarr's motion.

Mr. Nichols followed in an appeal to members not to again throw the element of discord into the Convention by mutilating the compromise work of the committee. They all knew he had opposed immediate action; but the committee had harmonized on a measure, and members should not captiously oppose the results attained by the committee, distract the Convention and ruin everything.

Mr. Hall of Marion occupied some time in vindicating the Union sentiment of Richmond and Eastern Virginia. He favored taking in the counties included by

Mr. Tarr's amendment. He was opposed to being in a hurry. They should not hasten too much towards a division of the State.

Mr. Van Winkle remarked that if those counties were left as the committee had proposed them, they could vote themselves in if they chose; but if a county should so vote while an intervening county voted the other way, of course it could not come in. The leaving out of these counties and others from the absolute boundary and thus making provision whereby they might come in if they wished, had been the very essence of the compromise which had been effected.

ALL SAFE AGAIN. DIVISION VOTED.

Mr. Caldwell's motion to reconsider prevailed by a vote of 43 to 27; and in the afternoon Mr. Tarr's motion was lost by a vote of 31 to 48.

Mr. Burley moved to include without conditions Hardy, Hampshire and Morgan, but the motion was lost.

Mr. Smith of Marion opposed the report of the committee, on the ground that it would bring up prominently the question of slavery—"which must result most disastrously."

Mr. Stuart of Doddridge moved to strike out "Kanawha" as the name of the State and substitute "West Virginia." The motion was rejected without discussion.

The ordinance was then put upon its passage and adopted by the following vote:

Yeas—Berkshire, Brown, Burdett, Brumfield, Cather, Crawford, Carlile, Crane of Preston, Crane of Randolph, Caldwell, Copley, Davidson, Douglas, Downey, Davis, Evans, Ferrell,

Farnsworth, Foley, Fast, Fleming, Hale, Hagans, Howard, Jackson, Kramer, Lamb, Lewis, Love, Martin of Wetzel, Meyers, Price, Paxton, Parsons, Ruffner, Smith of Marion, Slack, Smith of Pleasants, Scott, Smith of Upshur, Swan, Taft, Vance, Van Winkle, West, Withers, Williamson, Wilson, Zinn—50.

Nays—Boreman (President), Atkinson, Boreman of Tyler, Barnes, Bowyer, Burley, Broski, Crothers, Close, Carskadon, Gist, Graham, Harrison, Hubbard, Hall of Marion, Hawxhurst, Johnson, Koonce, Mason, Montague, Nichols, Polesley, Ritchie, Stuart, Tarr, Trout, Wetzel, Watson—28.

Following are the first three sections of the ordinance as adopted:

DIVISION ORDINANCE.

Whereas, It is represented to be the desire of the people inhabiting the counties hereinafter mentioned to be separated from this Commonwealth and to be erected into a separate State and admitted into the Union of States and become a member of the Government of the United States:

The people of Virginia, by their delegates assembled in Convention at Wheeling, do ordain that a new State, to be called the State of Kanawha, be formed and erected out of the territory included within the following described boundary: Beginning on the Tug Fork of Sandy River, on the Kentucky line where the counties of Buchanan and Logan join the same, and running thence with the dividing lines of said counties and the dividing line of these counties and McDowell to the Mercer County line, and with the dividing line of the counties of Mercer and Wyoming to the Raleigh county line; thence with the dividing line of the counties of Raleigh and Mercer, Monroe and Raleigh, Greenbrier and Raleigh, Fayette and Greenbrier, Nicholas and Greenbrier, Webster, Greenbrier and Pocahontas, Randolph and Pocahontas, Randolph and Pendleton, to the southwest corner of Hardy County; thence with the dividing line of the counties of Hardy and Tucker, to the Fairfax Stone; thence with the line dividing the States of Maryland and Virginia, to the Pennsylvania line; thence with the line dividing the States of Pennsylvania and Virginia, to the Ohio River; thence down said river, and including the same, to the dividing line between Vir-

ginia and Kentucky, and with the said line to the beginning: including within the boundaries of the proposed new State the counties of Logan, Wyoming, Raleigh, Fayette, Nicholas, Webster, Randolph, Tucker, Preston, Monongalia, Marion, Taylor, Barbour, Upshur, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Wayne, Cabell, Putnam, Mason, Jackson, Roane, Calhoun, Wirt, Gilmer, Ritchie, Wood, Pleasants, Tyler, Doddridge, Wetzel, Marshall, Ohio, Brooke and Hancock.

2. All persons qualified to vote within the boundaries aforesaid, and who shall present themselves at the several places of voting within their respective counties on the fourth Thursday in October next, shall be allowed to vote on the question of the formation of a new State as hereinbefore proposed; and it shall be the duty of the commissioners conducting the election at the said several places of voting, at the same time, to cause polls to be taken for the election of delegates to a convention to form a constitution for the government of the proposed State.

3. The Convention hereinbefore provided for may change the boundaries described in the first section of this ordinance so as to include within the proposed State the counties of Greenbrier and Pocahontas, or either of them, and also the counties of Hampshire, Hardy, Morgan, Berkeley and Jefferson, or either of them, and also such other counties as lie contiguous to the said boundaries or to the counties named in this section, if the counties to be added, or either of them, by a majority of the votes given shall declare their wish to form part of the proposed State, and shall elect delegates to the said convention at elections to be held at the time and in the manner herein provided for.

Sections 4 and 5 provided the detail for holding and certifying the election; Section 6 for the proclamation of the result by the Governor and calling together the constitutional convention on the 26th of November, in event division should have carried. Section 7 prescribed the representation in such Convention; and Section 8 required the Governor to lay before the General Assembly at its next meeting the result of the election, "for their consent

according to the Constitution of the United States, if it shall be found that a majority of the votes cast be in favor of a new State and also in favor of the constitution proposed to said voters for their adoption."

The 9th section, relating to the Virginia debt, containing also a clause to protect non-resident owners of land against tax discrimination, was as follows:

9. The new State shall take upon itself a just proportion of the public debt of the Commonwealth of Virginia prior to the first day of January, 1861, to be ascertained by charging to it all State expenditures within the limits thereof, and a just proportion of the ordinary expenses of the State government since any part of said debt was contracted; and deducting therefrom the monies paid into the treasury of the Commonwealth from the counties included within the said new State during the same period. All private rights and interests in lands within the proposed State derived from the laws of Virginia prior to such separation shall remain valid and secure under the laws of the proposed State and shall be determined by the laws now existing in the State of Virginia. The lands within the proposed State of non-resident proprietors shall not in any case be taxed higher than the lands of residents therein. No grants of lands or land warrants issued by the proposed State shall interfere with any warrant issued from the land office of Virginia prior to the 17th day of April last, which shall be located on lands within the proposed State now liable thereto.

Section 10 provided for certifying to Congress consent when given; and the 11th and last, that the authority of the Reorganized State should remain unimpaired over the boundaries of the new until the latter had been fully admitted.

The adoption of this ordinance completed the most important work of the Convention. Ordinances were adopted "ascertaining and declaring in what cases offices are

vacated under the declaration of June 17, 1861;" "providing for the appointment of collectors of the public revenue in certain cases;" "providing for the election of representatives in the Congress of the United States;" "increasing the compensation of the Adjutant General during the continuance of hostilities."

Resolutions offered by Mr. Van Winkle were adopted urging upon their fellow-citizens "the importance of extending to the reorganized government a cordial recognition and support in its efforts to establish civil authority and to cause the law to be administered and maintain peace and good order throughout its jurisdiction;" also the duty of "encouraging by their countenance active co-operation in the enrollment and drilling of at least one company of State volunteers in every county for the purpose of suppressing rebellion and insurrection and aiding the civil authorities in the enforcement of the laws."

The adjournment of the Convention was "until called together by the President of this Convention or the Governor; and if not so convened on or before the first Thursday of January next," it should stand adjourned sine die.

PRESIDENT BOREMAN SUBMITS.

Before announcing the final adjournment, President Boreman said:

You have taken the initiative in the creation and organization of a new State. This is a step of vital importance. I hope and pray God it may be successful; that it may not engender strife in our midst nor bring upon us difficulties from abroad; but that its most ardent advocates may realize their fondest hopes of its complete success. So far as I am personally concerned, I bow with submission to what you have done on this subject.

CHAPTER XIV.

PART PLAYED BY THE "FOURTH ESTATE." —DIVISION VOTED.

THE FRIEND OF DIVISION.

Concerning the ordinance for division, the morning after the adjournment of the Convention the *Intelligencer* said:

"The measure is not quite all the more ardent Divisionists would have preferred; but if we are not greatly mistaken in the temper of the people and in what will be the expression of it in the election to be held, we shall all be citizens of the State of Kanawha before many months roll around."

The position of the *Wheeling Intelligencer* at this time in Western Virginia was at once unique and influential. It was at that time in every essential the leading newspaper in the western half of the State. No dailies were then printed in the West except at Wheeling and Parkersburg. From the time A. W. Campbell came into the editorial control of the *Intelligencer* in 1856, the paper had been strongly, though conservatively, free-soil; and as the issue of secession developed, it had grown correspondingly more emphatic in its unqualified support of the Federal government and its denunciation of secession.

THE ORGAN OF SECESSION.

The opposition paper at the opening of the rebellion, the *Wheeling Union*, was owned by Henry Moore, a wealthy man with his chief interests in Baltimore, a Roman Catholic in religion and a Southern Democrat in politics, who had started the *Union* as a venture for his son Philip Henry, who, as the national issue developed, took the Disunion side of it; and in the Spring of 1861, as we have seen, kept the John Tyler dictum standing at the head of his editorial columns.

THE INTELLIGENCER A POWER.

The *Intelligencer*, by its editorial ability, its elevated tone, its unflinching Unionism and its anti-slavery attitude, had at the opening of the rebellion taken high rank not alone in Western Virginia but among its contemporaries outside. When the question of a separation from Virginia began to be agitated, it was one of the first to take it up and soon became conspicuously and effectively the organ of division; and probably wrought more powerfully than any single agency towards the result finally achieved; and it took the ground and maintained it, without apology, that the elimination of slavery was a vital and necessary part of the task.

The foregoing statement is not only a proper part of this history, but explains why such frequent quotation in these pages is made from the columns of the *Intelligencer*, in connection with the movements we are following. That newspaper was through this period the organ and embodiment of Union and new State opinion, the medium

employed by the friends of these movements in all parts of Western Virginia, and always a faithful exponent of their views and promoter of their purpose. It thus became the center around which the new State and free-State elements rallied and was looked to as not only faithful but authoritative. Two years before his death, Governor Peirpoint, reviewing the times with which this volume deals and his connection with them, said: "What would we have done without the *Intelligencer* in those days? I felt then and feel now, that it was the right arm of our movement."

Six days after the adjournment of the Convention, answering the plea that had been made for delay in the matter of a division of the State, the *Intelligencer* said:

"It would take a long time for us to go through a list of the excuses of one kind or another that were urged, and could be plausibly urged, against a division. To sum them up—for we are compelled to be brief—there is neither distraction nor revolution, nor broken faith, in the action of the Convention. Revolution implies violence and illegality; or, if you please, unconstitutionality. There is nothing of the kind in the action of the Convention. They have taken their steps legally and in order, just as it is provided by the Constitution of the United States that they should be taken. The question is all open from the beginning to the end. It is first to be submitted to the people; it is next to be submitted to the Legislature; and next to Congress. The manner prescribed by the Constitution is fully and entirely complied with and even more. Whence then comes the opposition on this score? And as to implied faith with Union men of Eastern Virginia or of the Valley, there is nothing in it worthy of serious consideration. As Union men we are Union to them still. The bond of Unionism—national Unionism—with them remains just as ever. In common with the

Union men from other States, the men of Western Virginia will go on fighting the battle for the Union in Virginia. Aside from that bond, old scores and natural boundaries stand as they have all along."

In a review of the new State proposition in the *Morgantown Star* in September, the suggestion was made that when it should become necessary for the restored government to give way to the jurisdiction of the new State, it could remove its temporary capital to Winchester or Alexandria, then within the Federal lines, pending the subjugation of the remainder of Virginia. This seems to have been the first public suggestion of the way out of a difficulty which had troubled some members of the Convention.

October 8th, the *Intelligencer* notes the prospect that the ordinance for division would be carried by "an overwhelming majority. Our correspondence and our exchanges" says the editor "induce us to believe that the people are getting to be almost a unit in favor of the measure."

RESULT OF ELECTION.

Day by day and week after week the interest in the coming election grew. Two days after the election, the *Intelligencer* said:

So far as we have had reports from the election on Thursday, they show an astonishing unanimity among the people in favor of a new State.

The result of the election was a surprise all around. Opponents of division were surprised at the popular unanimity in favor of it. Friends of the measure were

surprised to find the people so far in advance of their estimates. The expression was nearly all one way. Kanawha which had been overrun by Wise in the early Summer voted 1,039 for division, one against. Putnam gave 209 to none; Cabell, 200 to none; Harrison, 1,148 to 2; Marion, 760 to 38; Monongalia, 1,591 to 18; Upshur, 614 to none; Randolph, 171 to 2. The official vote as communicated by the Secretary of the Commonwealth to the constitutional convention in December, was 18,408 for division, to 781 against.

PEOPLE COULD NOT BE FOOLED.

November 5th the *Intelligencer* said:

The people thoroughly understood the gist of the whole outcry against present expediency. They recognized this plain and palpable fact that the men who got it up were not friends of the new State, and at no other time would they be a bit more likely to vote for it than now. They seized the strong common-sense view of the subject as if by intuition and determined that whether the project succeeded or not before Congress, the world should see that it was the choice of the people of the Northwest to have a new State, and that they were not one whit less firm and inflexible towards the Eastern Virginia usurpers now than they were last spring. Had we voted down the new State, that would have ended it. We never in this generation could have brought it to a vote again. All our talk for the past twenty-five years would have been considered as retracted.

THE MAIN QUESTION PRESENTS ITSELF.

And now a new question began to raise itself in the foreground. Not new in its nature; rather as old as the question of division itself; but new in the sense that for

the first time it had to be met with some practical solution. It had been settled by the result of the election that Western Virginia would go to Congress for admission into the Union; and the question what to do with slavery in view of that ordeal would have to be answered in the constitution to be framed by the Convention to assemble November 26th. On the morning of that day, the delegates were greeted in the editorial columns of the *Intelligencer* with an introduction to the question on which the issue of new Statehood was ultimately to turn:

The convention to form a constitution for a new State out of the territory of the Commonwealth of Virginia meets to-day in this city. It is one of the most important bodies ever convened in any State of this Union. Its action will possess a national interest. Its assemblage marks an era in the history of the great rebellion. It meets in response to the all but unanimous call of the loyal people of more than thirty-nine counties of Western Virginia.

NO, THANK YOU!

There had been some newspaper talk about a general dismemberment of Virginia, the contemplated transfer of Accomac and Northampton Counties to the State of Maryland, and the suggestion that such a partition might throw the Valley to the new State to be formed west of the mountains. Touching this, the editor continues:

For our part, we hope to escape the affliction of being united to the Valley—notwithstanding the many loyal people that are there and the two or three loyal counties that have voted to come with us. The greatest portion of the Valley is as antagonistic to the West as ever was the Tide-water region. We want a homogeneous State. Such we never could have united

to the Valley. Negroes are their staple. They are not ours. We want to get clear of negroes. The Valley does not. We want in a few years to become a free State. If, however, the wish shall become anyways general among the people of the Valley, when this rebellion shall have been put down, to join us, they can do so by adopting the free-state policy which the West will have originated. In this way only, and with this understanding only, would their acquisition be of any benefit. We do not wish to be connected any longer with the miserable one-dead negro policy that has cursed us all the days of our lives thus far. That policy has always been arrogant, selfish and absorbing. We have had enough of it. Let us have a natural State. Our interests lie eastward, not southward. It is the capital, skill and enterprise and hardy manhood of the Eastern States that are to develop Western Virginia; that are to build cities and towns, villages, factories and workshops, school-houses and churches, in places now almost unknown within our limits. We know that without foreign enterprise labor and capital, the city of Wheeling would have been nothing. We know that Western Virginia without these same helps will be nothing in a hundred years to come.

What we want, then, is a policy that will meet the case; and that policy is obviously and manifestly a free-State policy. Let feudalism and every species of middle-ageism and all sorts of anti-progress be kept out of our constitution from the start. Do not let us build up hindrances and stumbling-blocks for those who shall come after us. Our bitter experience ought to teach us compassion for our successors. Will we be equal to the emergency? We shall see within the next few weeks.

CHAPTER XV.

FRAMING THE ORGANIC LAW—ITS ADOPTION BY THE PEOPLE—LEGISLATIVE CONSENT.

THE CONVENTION MEETS.

The delegates chosen to frame a constitution for the proposed new State of Kanawha met in the United States court-room, in the Federal building, in the city of Wheeling at 11 a. m. November 26, 1861. Chapman J. Stuart of Doddridge County called the body to order, and on his motion the venerable John Hall, of Mason, was made temporary chairman and Gibson L. Cranmer, of Wheeling, temporary secretary. Delegates from thirty-one counties answered roll-call. The following were later found to be entitled to seats:

Cabell—Granville Parker.
Braxton—Gustavus F. Taylor.
Barbour—Emmet J. O'Brien.
Boode—Robert Hagar.
Brooke—James Hervey.
Clay—Benjamin Stephenson.
Doddridge—Chapman J. Stuart.
Gilmer—William Warder.
Hardy—Abijah Dolly.
Hancock—Joseph S. Pomeroy.
Harrison—Thomas W. Harrison and John M. Powell.

Jackson—E. S. Mahon.
Kanawha—James H. Brown and Lewis Ruffner.
Lewis—Robert Irvine.
Marion—Ephraim B. Hall and Hiram Haymond.
Marshall—Elbert H. Caldwell and Thomas H. Trainer.
Hampshire—Thomas R. Carskadon and George Sheets.
Monongalia—Waitman T. Willey and Henry Dering.
Mason—John Hall.
Pleasants—Joseph Hubbs.
Preston—John J. Brown and John A. Dille.
Putnam—Dudley S. Montague.
Raleigh—Stephen N. Hansley.
Randolph—Josiah Simmons.
Roane—Henry D. Chapman.
Ritchie—A. J. Wilson.
Upshur—Richard L. Brooks.
Taylor—Harmon Sinsel.
Tyler—Abraham D. Soper.
Tucker—James W. Parsons.
Wayne—William W. Brumfield.
Wetzel—R. W. Lauck.
Wirt—Benjamin F. Stewart.
Ohio—James W. Paxton, Daniel Lamb and Gordon Battelle.
Wood—Peter G. Van Winkle and William E. Stevenson.

Subsequently the following additional delegates were admitted:

Fayette—James S. Cassidy.
Wyoming—William Walker.
Calhoun—Job Robinson.
Logan—Benjamin H. Smith.
Mercer—Richard M. Cook.
McDowell—J. P. Hoback.
Nicholas—John R. McCutchen.

John Hall of Mason was made permanent President and Ellery R. Hall, then from Taylor, afterwards resident at Fairmont, permanent Secretary.

TO SWEAR OR NOT TO SWEAR.

A discussion arose on a suggestion made by Mr. Lamb that the members take the oath prescribed by the ordinance for the reorganization of the State government. Mr. Stevenson of Wood suggested whether it would be proper for them to take an oath to maintain the constitution of Virginia when they were here for the purpose of either partly or totally superceding it with another. Mr. Willey supposed the suggestion was made as a test of the loyalty of members. For his part, he came here endorsed by his constituents as a loyal man, worthy of their confidence. It seemed too much like suspecting themselves to prescribe oaths to a body that was above all the ordinary requirements of legislation. Mr. Van Winkle said they met under authority of the restored government of Virginia, which paid their wages and provided every necessary to forward the objects of the Convention. He read from the ordinance calling the body together: "That the government of the State of Virginia as reorganized by the June Convention, shall retain within the territory of the proposed State, undiminished and unimpaired, all the force and authority with which it has been vested until the proposed State shall be admitted into the Union by the Congress of the United States." In the ordinance of reorganization was prescribed an oath for all the officers of the State government and the members of both houses of the General Assembly. It was true the ordinance did not ask this body to take the oath; but holding their authority under the State government, he thought courtesy and that

feeling of duty they owed the State made it proper and decorous that the oath should be administered to the officers and members of this Convention. Mr. Dille did not see the necessity of taking the oath, which seemed to him without authority and merely a test of the loyalty of members. Mr. Lamb disclaimed any intention to propose such a test. Mr. Brown of Kanawha held they had no right to prescribe oaths to each other not required by the law under which they were assembled. None doubted their loyalty, and oaths were too sacred to be made common by prescribing them to one another without authority of law. Mr. Hall of Marion thought it was no time to hesitate about taking the oath. He believed every man present was loyal, but he was unwilling they should seem to hesitate. Mr. Lamb put his suggestion into the form of a motion. Mr. Sinsel moved to indefinitely postpone it, but the Convention refused by 28 to 14. The motion was adopted and the oath administered to the members by the Secretary.

In the second day's session, Mr. Van Winkle, from the committee appointed for the purpose, reported a plan for distributing the work. Committees were agreed to with chairmen as follows:

- | On Fundamental and General Provisions, Van Winkle.
- On County Organization, Pomeroy.
- On Legislative Department, Lamb.
- On Executive Department, Caldwell.
- On Judiciary Department, Willey.
- On Taxation and Finance, Paxton.
- On Education, Battelle.
- Schedule, Hall of Marion.

REPORTING DEBATES.

Mr. Van Winkle proposed an inquiry into the propriety of having the debates officially reported and published. The committee in whose hands the matter was placed took no action till December 16th, when they were discharged from further consideration of the subject. One of the press reporters who was making a daily synopsis of the proceedings was preserving a verbatim report, and it was the discovery of this fact which led Mr. Van Winkle to make the effort he did to have the record preserved.

A committee of nine on boundaries was raised, on suggestion of Mr. Lamb, and Mr. Stuart of Doddridge made chairman of it.

PARLIAMENTARY COUP.

Mr. Dolly in the ninth day's session, with a fine appreciation of their authority, offered a resolution to "repeal the act of the former Convention on boundary." He did not understand apparently that the Convention which had permitted them to be brought together had the right to prescribe exactly what they might do, and that they had no powers beyond those with which that Convention had invested them: that the superior Convention, representing the whole State of Virginia having limited in precise terms the territory out of which the new State might be formed, this limited, subordinate body had no authority to include another inch. There was the same kind of assumption of ungranted authority in regard to the name a day or so later.

A FREE STATE.

On the fourteenth day, Robert Hagar from Boone County, a Methodist preacher, a rugged old anti-slavery patriot, who had little education but a great deal of simple hard sense and honesty of purpose, offered for reference a resolution that the Convention inquire into the propriety of making the new State a free State, by incorporating in the constitution a clause for gradual emancipation.

THE ANTIDOTE.

This was followed the same day by a counter resolution from Brown of Kanawha, who, all through the Convention showed such marked pro-slavery and State rights leanings as to sharply suggest whether he had not made a mistake and got into the wrong Convention—at the wrong end of the State. His resolution set forth that it was “unwise and impolitic to introduce the discussion of the slavery question into the Convention.” It was the same old policy of suppression which characterized the partisans of the institution everywhere. Even here where they were framing the organic law that was to govern what was to be one day a great, progressive, free and enlightened people, a vital question of economic policy, leaving out of sight its ethical and political aspects, must not be considered. A question, too, which lay at the root of the whole movement of which this Convention was a part! But there was to be more of the same thing.

TO CHANGE THE NAME.

One of the things early determined by the Convention was that they would not have the name. The prescription laid down by the creative body and confirmed by vote of the people concerned was "repealed," as Dolly would say. Sinsel of Taylor made the motion to strike out "Kanawha." He wanted to retain the name of Virginia because it suggested the mother of the Savior, and because the mother State had been "named for the Virgin Queen." Mr. Brown of Kanawha suggested that the vestal character of the queen referred to was not so well attested as some other facts in English history. Mr. Parker objected to the present name because there would be "too much Kanawha." There was a county of that name, two rivers, and the capital of the county was called "Kanawha Court-House." It was liable to produce confusion in postal matters.

NO MORE "VIRGINIA" FOR LAMB.

Mr. Lamb said the name was a compromise made in the committee who had reported the ordinance for division, accepted by the August Convention and approved by the vote of the people. What was there to attach them to the name of Virginia? He had been an inhabitant of Western Virginia thirty-odd years. During that time what had they received from Virginia but oppression and outrage? And they had been complaining of the policy forced upon them. Virginia was loaded down with a debt created for public improvements, and where was there a

foot of these improvements—one public building—within the borders of Western Virginia? Was there anything in the recent proceedings at Richmond to attach them to the name? Had not every measure been forced upon them against their protest? “Did they hesitate on our account to adopt measures not in the interest of the people but of the conspirators who had been leaders of the people heretofore in Eastern Virginia, who had attempted to transfer us at once, without our consent, to the Confederate States, and would have been glad to transfer the war to the borders of the Ohio River?” Were they going to retain the policy of Virginia along with the name, when they were here for the very purpose of revolutionizing that policy in every respect that was possible? Or were they to change everything Virginian but the name and proclaim in the very act this Convention was about to adopt that they felt grateful for the favor the State of Virginia had theretofore bestowed on them? No; he wanted to cut loose even from these recollections; he had no hesitation in proclaiming to this Convention and to his constituents that there was nothing in the conduct of Virginia that entitled her to give us a name or claim our attachment. The retention of the name would create the impression abroad that the Virginia policy was to continue and it would repel people from the new State.

WILLEY’S CONSTITUENTS CRY FOR IT.

Mr. Willey disclaimed any personal interest in the name, but his constituents were *not willing to have the new State at all if they could not have Virginia in the*

name. Yet 1,591 of Mr. Willey's "constituents"—an overwhelming majority—had voted they wanted to erect the new State of "Kanawha," and so far as appeared, no protest was anywhere made against the name!

NO AUTHORITY.

Mr. Paxton held that the Convention lacked authority to change the name. If they could depart from the prescription in this instance, they might in any other; and where would the precedent lead?

VAN WINKLE'S WIT.

Mr. Van Winkle feared from indications some gentlemen here intended to remain Virginians after the separation. He would like to know "whether, when we have organized a new State and we meet for the purpose of transacting business appropriate to our new situation, and there are questions before us relating to our peculiar circumstances, we are to be told, they did not do so in old Virginia?" If they were so servile to old Virginia now, when about casting off the fetters—if they could not forget their servile habit but must continue to cringe and bow the knee to their old oppressor—this movement had better stop precisely where it was then. They were like the Israelites of old; they had crossed the Red Sea, but whether Pharaoh and his hosts were drowned had no precise information. But they had just entered on the borders of the wilderness and needed all their courage before they could reach the Promised Land; and already the cry was going up: "Would God we had died by the hands



PETER G. VAN WINKLE.

of the Lord in the land of Egypt, when we sat by the flesh-pots and when we did eat bread to the full!" For his part he had positive objection to anything which compelled them to attach a "Virginia" to it.

A WIDE-AWAKE "RIP."

A notable man was this Peter G. Van Winkle—not for his public virtues alone, which were eminent, but for his personal qualities as well. He had come of the solid old Dutch Knickerbocker stock at New York, and was proud of it, and had a right to be. For where on the planet, past or present, shall we find a strain which has more nobly illustrated the highest human virtues than the stock from

the low countries around the delta of the Rhine? Who watered the tree of religious liberty with the blood of eighty thousand noble men and women in resistance to the inquisition under the unspeakable Phillip II.; who are the greatest merchants and colonizers of the modern world; who are just now illustrating anew, amid the veldts and kopjes of South Africa, the inextinguishable love of liberty which has characterized the race ever since Julius Cæsar first dragged them into history out of their forests and morasses by the sea. Van Winkle was a man who united personal graces with fine intellectual gifts. A large brain was supported by a superb physique. He was rotund of figure, with smooth clean-shaven face; skin white and clear; eyes large, blue, bright, one turned a little away from it fellow, giving him a wide-awake look. He was scrupulously neat, even dainty, in person and attire and looked always fresh and clean as just out of the bath. But the most pleasing thing about him was his great kindness and the pure intellectuality which characterized all his utterances. No man could show a finer sense of consideration for others. His wit was keen but always kindly. He had the refined sensibility of a woman united to the mental virility of a man. He was scholarly and literary in his tastes; was possessed of wide knowledge on many subjects; had done something in authorship without publishing; had written a book, it was understood, in which he had developed some special theories and crotchets of his own and embodied his beliefs on interesting questions. In public bodies he never talked for talk's sake; he always had something to say worth hearing, pertinent and necessary to the matter in hand. While both lawyer

and scholar, Mr. Van Winkle was also a man of affairs. He had a capable knowledge of large financial subjects; and it was his pride when in the Senate that this had been recognized in his appointment to be a member of the Senate Finance Committee.

Mr. Stuart of Doddridge, who had made the motion in the August Convention to strike our Kanawha and substitute "West Virginia," said his constituents had voted for division with a protest against the name.

LAMB CONFIRMS PAXTON.

Mr. Lamb called attention to Mr. Paxton's point, that the Convention had no authority to make the change. He quoted the ordinance to show that the name was prescribed as much as any other condition, and reminded them that the people had confirmed the action of the Convention in this as in other respects. The Convention had ordained that "a new State to be called the State of Kanawha" should be instituted, and had provided in the next section that the vote be taken on the formation of the new State "as hereinbefore proposed." He saw no propriety in the assumption of the power to make this change.

WILLEY ASTRAY.

Mr. Willey claimed this Convention was "as sovereign as the Convention that made the ordinance. We are the people," he said, "as much as that body was the people, and our action is no more final than the action of that body was final. Our action, as the action of that body did, has to go back for the sanction of the people." This

is a singular error for a man so well informed as Mr. Willey. The August Convention was a body with original powers. It represented the whole State of Virginia. Its action did not "go back" for confirmation by the people. It created this inferior, limited convention to do a particular work, which it was specifically provided must go back for confirmation by the people in the limited district here represented. "Our power in the premises," continued Mr. Willey, "is perfect; and settling this question on any other interpretation of our powers would very much hamper us in regard to projects of vastly more moment that will be before the Convention. We are proposing absolutely and unconditionally to include in the New State a very considerable number of other counties not included in the ordinance. Yet I think we have the power to do so. It is to go back to the people." The fallacy in Mr. Willey's position lay in the fact that this action went back for the ratification of the people within the limits of the New State only, not to the people of the State of Virginia by whose convention the boundary for the New State had been limited. The change of name it would seem from Mr. Willey's language was the entering wedge to the "projects of vastly more moment," which included the unauthorized inclusion of districts which, if taken in, would have defeated the New State entirely.

BATTELLE WANTS SOMETHING "FRESH."

Mr. Battelle supported the position taken by Mr. Paxton. "Not only," he said, "did the ordinance fix the name but it has been ratified by solemn vote of the people;

and I find, so far as I understand my powers and duties here, no warrant to go behind that vote of the people. We are now forming a new State. I, for one, want a new name—a fresh name—which if not symbolical of new ideas would at least be indicative of our deliverance from very old ones.”

BUT DOESN'T GET IT.

“Kanawha” was stricken out by a vote of 30 to 14. “West Virginia” was substituted by an affirmative vote of 30, the remainder of the vote scattering between “Kanawha,” “Western Virginia,” “Allegheny” and “Augusta.”

STUART'S BOUNDARY DRAG-NET.

December 5th Mr. Stuart made his first report on boundaries. As foreshadowed by Mr. Willey, he proposed to take in, outside of territory included under the August ordinance, without conditions, Greenbrier, Pocahontas, Monroe, Mercer, McDowell, Buchanan and Wise, and contingently other districts as follows:

1. Craig, Giles, Bland, Tazewell, Russell, Lee and Scott.

2. Jefferson, Berkeley, Frederick, Morgan, Hampshire, Hardy, Pendleton, Highland, Bath and Allegheny.

3. Clark, Warren, Shenandoah, Page, Rockingham, Augusta, Rockbridge and Boutetourt.

AN UNPOPULAR PAIR.

The names “Buchanan and Wise” had become odious for other than geographical reasons. In the consideration of the counties to be embraced without submitting the

question to them, Mr. Lamb moved to strike out these two. On this motion the Convention entered upon a discussion of the whole problem of boundaries, involving the power of the Convention to go outside the delimitations laid down by the August Convention and the expediency of including any or all the districts proposed by the committee. The debate was one of the most important and interesting of the session. It occupied the Convention from the 5th to the 12th of December and fills more than four hundred closely written pages of manuscript. The purpose foreshadowed in the change of name was in a limited way embodied in the result.

The August ordinance authorizing a vote on division and constituting this Convention had provided that in addition to the thirty-nine counties specifically included in the proposed State, there should be embraced "the counties of Greenbrier and Pocahontas, or either of them, and also the counties of Hampshire, Hardy, Morgan, Berkeley and Jefferson, or either of them, and such other counties as lie contiguous to the said boundaries, or to the counties named in this section, if the said counties to be added or either of them" should by a majority of the votes cast at the same election signify their wish to be included and choose delegates to this Convention. The only delegates who had presented themselves under this provision from any of these counties outside of the thirty-nine were from Hardy and Hampshire.

Finally a vote was reached on Mr. Lamb's motion and Buchanan and Wise were eliminated. Mr. Willey then proposed a resolution setting forth that those seven counties (including Buchanan and Wise) ought to be included

and that if at an election held for the purpose at a blank date in those counties a majority of the votes cast in the district composing them, and in a majority of the counties, should be in favor of the constitution when submitted, the Legislature should be requested, in giving its consent, to include that district. Mr. Willey who, in the matter of the name, had strongly declared this Convention might disregard the prescription of the August Convention, took the other tack when it came to including more territory. He went over the question elaborately and ably and showed that the Convention was clearly bound to respect the limits set by the August Convention, and that none of the territory which had not complied with the strict terms of that ordinance could be included without its consent. The effect of his proposition to wait for that consent in the case of the five counties first named would have proved a very serious embarrassment to the progress of the New State movement, for those counties lay within the Confederate lines and were in no condition to act upon a matter of this kind.

TO CLOG NEW STATE.

Brown of Kanawha, who led the movement for embarrassment and delay, and who was especially determined to take in the rebellious districts east of the Alleghenies in the Southwest, was not troubled by any of Mr. Willey's scruples. In the matter of the name he thought they were bound by the August ordinance. "I maintain," he said, "that the people have ratified this question and have determined by our presence here that

the new State shall exist and that it shall be called 'Kanawha.' " But now the boot was on the other leg! Willey had turned one way, Brown the other. Circumstances do alter cases! In one speech Mr. Brown permitted it to appear that he wanted this southern territory to give weight to his end of the State in case the State should, perchance, come to maturity, a contingency, however, that would never have troubled him if his plans could have been carried out.

MR. LAMB DRAWS THE LINE.

Mr. Lamb, who perceived very clearly the effect of these propositions for enlargement and delay, reminded the Convention that he had not been in favor of the movement for division when it was begun; but having been overruled and sent here to make a constitution, he proposed in good faith to do what he could to carry out the wishes of his people. He recognized the lack of direct authority to exceed the limits and conditions laid down by the August Convention; but, believing the welfare of the New State required some territory in addition to the thirty-nine counties, and recognizing the well established rule of law that what is impossible is not required, he thought this might be brought in and that the irregularity would be cured by the consent to be given by the Legislature. Mr. Van Winkle held a similar attitude, and especially advocated the inclusion of the counties along the foot of the valley covering the line of the Baltimore & Ohio Railroad.

GOOD ENOUGH FOR BROWN OF PRESTON.

Brown of Preston held there was no authority to include more than the forty-one counties represented in this Convention, and that it was not even desirable to do so. These gave them a convenient, compact and homogeneous State, and prudence forbade them endangering its success by attempts to extend a doubtful authority over territory not suited or desirable. He said if all the counties recommended by the committee were taken in there would be in the New State a secession population of over 303,000 as against 224,000 loyal. Dille, Battelle, Brooks, Powell and some others held similar ground.

THE LAW OF MIGHT.

Brown of Kanawha, with an eye to the Southwestern districts, quoted Vattel on the law of nations to show the Convention might take any territory it thought necessary. "Whenever," says Vattel, "a territory becomes essential to the prosperity and safety of a State, it may be purchased if it can, or, if it cannot, it may be taken." Such State being, of course, the judge of the exigency! This would be a very convenient "law" for a strong State, but might be very inconvenient for a weak one. Mr. Brown instanced Jefferson's purchase of Louisiana as an illustration of Vattel's law, the inference being that Jefferson was prepared to seize the territory if Napoleon had declined to sell. Vattel's law has had many modern illustrations—European spoliation in Africa and in China, especially Great Britain's attempted conquest of the Boer

Republics, and Russia's seizure of Manchuria. Mr. Willey, in defining his position, made the point that in changing the name of the State the Convention had wronged no one because that concerned nobody outside the State limits; but to attempt to take outside territory trenched on the rights of others. The effect of Mr. Willey's motion, however, if successful, would have been to aid Mr. Brown's campaign of delay and embarrassment.

The outcome of this preliminary discussion was that the counties of Pocahontas, Greenbrier, Monroe, Mercer and McDowell were included absolutely, Mr. Willey's proposition having been rejected.

The boundary question, after several days' discussion over the other districts proposed by the committee, was disposed of by including conditionally only Pendleton, Hardy, Hampshire, Morgan, Berkeley, Jefferson and Frederick, all of which were afterwards incorporated except Frederick.

A MODEST PROPOSITION.

In considering the option given this group of counties lying along the Baltimore & Ohio Railroad, at the foot of the Valley, Mr. Brown of Kanawha again brought forward his scheme to place in the same category the counties of Lee, Scott, Wise, Russell, Buchanan, Tazewell, Bland, Craig, Allegheny, Bath, Highland, Loudon, Alexandria, Fairfax, Northampton and Accomac. This time Mr. Brown had crossed the Chesapeake Bay and reached the Atlantic! Mr. Battelle's suggestion that he ought to "just include the whole State" was apt. What purpose

Mr. Brown sought by such impossible propositions is not easily explicable unless it was to ridicule and embarrass the whole New State movement. He certainly showed scant respect for the Convention.

Upon this, Hiram Haymond of Marion, declared he never would consent to add another inch to territory already included. No friend of West Virginia could vote for such a motion. "Take in those counties," he said, "and our labors are at an end and I, for one, would be ready to go home." Henry Dering of Monongalia concurred. If these counties could be taken in, he said, they would give the Reactionists control of the New State and defeat the object of its creation. The adoption of the resolution would be the death-knell of the New State, and if adopted they may as well go home.

Mr. Battelle suggested to Mr. Brown that he was "entirely too modest. You ought to just take in the whole State," said Battelle.

Mr. Brown's proposition was defeated by a decisive vote. Those who voted for it were: Hall of Mason, Brown of Kanawha, Chapman, Carskadon, Dolly, Hubbs, Montague, McCutchen, Simmons, Stephenson of Clay, Sheets, Smith and Taylor.

WEST VIRGINIA INCLUDES THE OHIO RIVER.

When the report had been finally disposed of, it was recommitted and the committee directed to prepare a provision defining the boundaries of the New State. Touching this Mr. VanWinkle remarked:

Under the ordinance establishing Kentucky—which was anterior, I think, to that erecting the Northwest Territory—the jurisdiction of Kentucky extended to the north bank; and under the

cession of the Northwest Territory the claim is made, while the jurisdiction for some purposes is concurrent, to the far bank of the Ohio as the territory of Virginia at this time, by which of course all the islands belong to Virginia. If the river were made the boundary, then we take the middle of the channel and that in most cases would throw the islands to the other side. It may be remembered that this question was before the General Court while that existed, a case arising from the apprehension of some abolitionists on the Ohio side of the river opposite my county. The court was then composed of twenty-one judges, I believe. It turned out that there were three opinions in the court. One went for high-water mark; one for running-water mark, and the third for low-water mark. And as there was not a majority for either there could be no decision. It was a very singular case, but they had to admit the parties to bail and let them go. Still the claim is to the other side of the river and it would be proper for consideration whether we should not, in the language in which the old ordinance is couched, repeat the claim in this constitution.

The constitution as finally adopted described the boundaries of West Virginia by reciting the counties included and adding the following:

The State of West Virginia shall also include so much of the bed, banks and shores of the Ohio River as heretofore appertained to the State of Virginia; and the territorial rights and property in and the jurisdiction of whatever nature over the said bed, banks and shores heretofore reserved by or vested in the State of Virginia shall vest in and be hereafter exercised by the State of West Virginia.

CAN THERE BE TREASON AGAINST A STATE?

In a discussion on fundamental provisions December 13th, under consideration the section of the committee's report undertaking to define "treason against the State," and provide punishment for it, Mr. Van Winkle, chairman in charge of the report, said:

There have been great doubts—and I think very well-founded—whether there is such a thing as “treason” against a State. The United States Government undertakes the conduct of wars that are to be conducted in or on behalf of the States. States are not, by the Constitution of the United States, permitted to keep armies or ships of war in time of peace. The United States is bound to repel the invasion of any State and, upon proper application, to suppress any insurrection arising within any State. The qualification that application shall be made I shall only construe as being to prevent the necessity of the United States forces being called forth on trivial occasions. It is hard at some times to distinguish between a mere riot and an insurrection; but whenever the State notifies the general Government in a proper way that there is an insurrection within its borders, the United States is bound to suppress it. It is true the State may use the militia; but the militia is put under control of the United States in time of war.

Who can be enemies of the State, therefore, unless they are at the same time enemies of the United States? And if enemies of the United States, the act of treason is an offence not against the State, but against the United States. The first official recognition of this restored government was an application to the President on the information that the State was in a state of insurrection and a call on the United States for aid in suppressing it. The reply was almost immediate from the department that the aid would be furnished. That was the first formal recognition of the restored government. The documents accompany the Governor's message. We hold that all expense incurred by this restored government, or by the government of any of the loyal States, in suppressing this rebellion, in defending their own territory against the rebels or insurrectionists, must be reimbursed to the State by the general government—and upon this very principle, that the war was the war of the general government. It was only the war of the States so far as they were part of the United States.

If this be correct, the other conclusion follows, that treason can be committed only against the United States. There is not, and has not been, in the Constitution of the United States any such clause. There is a statute, however, which defines treason

in this way and makes other acts, for instance the setting up of another government, treason against the State.

Not anticipating that this question would arise here this evening, I am not as fully prepared to give my views on it as I might have been, but think I have stated the leading principles which must govern in this discussion. I have conferred with legal gentlemen outside the Convention and believe they are of the same opinion. I think a similar decision has been made by the Supreme Court of the United States, though I have not recently seen the decision itself and cannot say precisely how far it goes. I am sorry the member from Monongalia has been compelled to leave us. I had some conversation with him on the subject and think he was very clear that there could be no treason against a State of this Nation.

Mr. Lamb: It seems to me entirely unnecessary to put any provision on this subject into the State constitution. I believe there is no provision on the subject of treason in the present constitution of Virginia. There is no provision in it on the subject of murder. Yet that does not prevent the Legislature from enacting proper laws to prevent that offense. Why not leave this on the same footing?

Mr. Brown of Kanawha took the other side of the question and elaborated the general States rights view. He referred to the case of John Brown at Harper's Ferry, who was indicted for treason against Virginia, tried and convicted in a Virginia court, sentenced and executed; and he quoted Wise's insulting announcement that when Virginia was done with Brown "the United States could have the residue for any treason against the United States." He denied that an insurrection in a State is necessarily an insurrection against the United States, and that the United States "can assume upon itself to put it down without being first called upon by the State government." "I maintain," he said, "within the borders of the

State the jurisdiction of the State. When a local insurrection arises within that border it is against the State government, not against the United States government. The United States has no right to enter the territory with her army or interfere with the local regulations of the State until, as prescribed in the Constitution of the United States, the Governor or the Legislature calls upon the President to aid us."

Mr. Van Winkle read from a manual a reference to Story's Commentaries, p. 171: "A State cannot take cognizance of or punish the crime of treason against the United States. As treason is a crime whose object is the overthrow of the government, and as the government of the State is guaranteed by that of the United States, it follows there can be no treason against a State which is not also treason against the United States." Concerning John Brown, Mr. Van Winkle remarked that he could not take that case as much authority, "especially accompanied with that declaration of Governor Wise that when the State was done with John Brown and his confederates the general government could have what was left of them. I should think, sir, it was only the first act of the rebellion. I do not know how it happened that the United States officers did not claim jurisdiction in that case. But I cannot think the case as tried before the circuit court there decides anything in reference to the matter in question."

Mr. Brown, of Kanawha: The gentleman perhaps has but little regard for the authorities of Virginia, as I should infer from the last remark he made, and may have a good deal for

Judge Story, or the book from which he reads. Surely the remarks of Governor Wise could not affect the validity of a judicial decision.

Mr. Van Winkle: I say the language in which that remark was couched, and the spirit in which it was conceived, indicated a rebellious spirit against the United States; and the whole transaction may have been in the same spirit. They claimed a right to punish where they had no right.

Mr. Brown denied this. The question in this case was whether treason could be committed against a State. That question was then decided by the proper judicial tribunal to which the law had referred the case. The ablest counsel in the country were there; the most learned lawyers went there to test that very question. The Attorney-General was very strenuous that if anything wrong was done to that man the power of the Nation should be brought to his rescue; but everything was legitimate, and it was carried to the court of appeals of Virginia, who refused a supersedeas. * * * Would it be possible that these men would be allowed under this plain state of the case to be tried and sentenced to hang for an offence that could not be committed?

Mr. Van Winkle asked Mr. Brown whether in his opinion the government of the United States could have punished John Brown. Mr. Brown replied that he had "no doubt about it." "If they could," said Mr. Van Winkle, "then it was treason against the United States; and if it is treason against the United States, my point is simply that the State cannot punish him."

EMANCIPATION.

On the sixteenth day, Mr. Battelle offered for reference a provision embracing these propositions:

1. No slave shall be brought into the State for permanent residence after the adoption of this constitution.

2. The Legislature shall have full power to make such just and humane provisions as may be needful for the better regulation and security of the marriage and family relations between slaves, for their proper instruction, and for the gradual and equitable removal of slavery from the State.

3. On and after the 4th of July, 18—, slavery or involuntary servitude, except for crime, shall cease within the limits of this State.

January 27th, Mr. Battelle introduced for reference the following:

1. No slave shall be brought into the State for permanent residence after the adoption of this constitution.

2. All children born of slave parents in this State on and after the 4th day of July, 1865, shall be free; and the Legislature may provide by general laws for the apprenticeship of such children during their minority and for their subsequent colonization.

Touching the question thus introduced in the Convention, the *Intelligencer*, December 9th, said:

We have endeavored to show how entirely adverse to the best interests of Western Virginia it would be for the present convention to adjourn without first engrafting a free-State provision on our constitution in the shape of a three, five or ten years emancipation clause. We should esteem it far better that the Convention had never assembled than that it should omit to take action of this character. * * * Congress will hesitate long before it will consent to the subdivision of a slave State simply that two slave States may be made out of it. The evil which has so nearly destroyed not only Western Virginia but the whole country will find that its tug of war is yet to come when it has even run the gauntlet of our Convention and our Legislature. We believe when it reaches Congress it will reach its hitherto and that it will never pass. It will avail very little for this Convention to remain in debate on this subject for a month at a heavy expense and consummate a work which will only at last end in defeat and entail upon its framers

the cold distrust of the only friends they have in the world. The loyal masses of the free States who are fighting the great battle of constitutional freedom, who are endeavoring to stay the absorbing and consuming demands of slavery upon this continent, will never consent that in the very midst of them it shall burst out in a new place with the extraordinary demand that its present representation of a State in the Senate shall be doubled. * * * We say, then, to the members of our Convention that before you waste your time and money on a constitution you look to its probable fate.

On the same question about this time, the *Cincinnati Commercial* made the following comment:

The Convention cannot ignore the causes which have led to the disruption of the State; that have imposed heavy burdens of taxation on the people of Western Virginia and rendered their political and commercial influence nugatory upon all occasions. Slavery has not been profitable to the people of Western Virginia. Its presence has prevented immigration, dwarfed enterprise and delayed the development of the physical resources of the country. The people have paid a heavy price to insure the safety of his sacred and sable majesty; and in severing their connection with the eastern part of the State, it is natural they should submit to the people for whom it is devised the question whether they do not desire the complete severance from the cause of their heavy burdens in the past.

“TOM” HARRISON WANTS THE OLD CONSTITUTION.

In the nineteenth day's session, Thomas W. Harrison of Harrison distinguished himself by offering a proposition that the Virginia constitution be referred to a committee of five with instructions to modify it so as to adapt it to the territory embraced in the new State and to provide for the formation of a new constitution at some future time.

The Richmond Secession Convention had a short time before closed its sitting, after having made numerous alterations in the Virginia constitution. One of these empowered the General Assembly to prohibit the future emancipation of slaves; so that a slave-owner who from conscience or other reason might desire to emancipate would have to choose between remaining an owner and selling his slaves in the market: it being thus rendered impossible that the slave should become free. This looked to making the institution iron-clad in the Confederacy.

AND GETS AN EXTINGUISHER.

Mr. Van Winkle said Mr. Harrison's proposition was a larger "hankering after the flesh-pots" than he had expected. He supposed the "charms of that old constitution, which had recently been modified and amended under the auspices of 'Sandy' Stuart in the Richmond Convention, by which every poor man is to be deprived of a vote and by which one class was to be made everybody and the other nobody, were so fixed in the gentleman's affections that he would like to include those recent amendments." He moved Mr. Harrison's resolution be indefinitely postponed. The Convention so voted by 41 to 2.

ANOTHER OLD FOGY.

Mr. Dille was another who found it hard to tear himself away from the ways of old Virginia. When it came to the suffrage provision, which had been drawn by Mr. Van Winkle on the broadest lines then feasible—imposing

no restriction except for crime—Dille moved an amendment to make the payment of a State and county tax a pre-requisite. Mr. Van Winkle declared he would disfranchise no man except for grave crime. He would not put the failure to pay a small tax—which in some cases might be unavoidable—on the same footing as treason, felony or bribery in an election. “Do you know,” he asked, “how much a man was worth in Virginia under the old constitution?” In the year 1850, he said, according to the lists of that year, \$532 of property was the unit of representation. That is to say that \$532 of negro or other property counted as much in representation and had as much weight in the Commonwealth as a white man. “Under the old constitution,” he said, “a man who was competent under the Constitution of the United States to fill a seat in Congress might be disfranchised for the omission to pay twelve and one-half cents tax.”

TO SUBMIT EMANCIPATION TO THE PEOPLE.

In the afternoon session of February 12th, Mr. Battelle offered the following:

1. *Resolved*, That at the same time when this constitution is submitted to the qualified voters of the proposed new State to be voted for or against, an additional section to Article —, in the words following:

“No slave shall be brought or free person of color come into this State for permanent residence after this constitution goes into operation; and all children born of slave mothers after the year 1870 shall be free, the males at the age of 28 and the females at the age of 18 years; and the children of such females shall be free at birth.”

Shall be separately submitted to the qualified voters of the proposed new State for their adoption or rejection; and if the majority of the votes cast for and against said additional section are in favor of its adoption, it shall be made a part of Article — of this constitution, and not otherwise.

2. *Resolved*, That the Committee on Schedule be and they are hereby instructed to report the necessary provisions for carrying the foregoing resolution into effect.

This, it will be observed, was not a proposition to incorporate gradual emancipation in the constitution. It was only to let the people vote separately when they voted on the constitution whether they wanted such a provision put in.

Mr. Battelle remarked that the convention could take whatever action in reference to these resolutions they might think proper. If they chose to make them the order of the day for any fixed future day, as an individual he did not care; but he supposed there were some gentlemen who would wish to discuss this matter, and they might proceed a while at least in that discussion.

Mr. Sinsel moved to make the resolutions the order for next morning at ten o'clock.

CONVENTION WILL NOT HAVE IT.

Mr. Hall, of Marion: I move to amend the motion by moving to lay on the table.

Mr. Battelle: I sincerely hope that this Convention will not. I hope that no such gag rule will be instituted here in this Convention.

Mr. Stuart, of Doddridge: That question is not debatable.

Mr. Powell: On that question I ask the yeas and nays.

Mr. Van Winkle: I understand that is a privileged motion, to lay on the table without day. That can be made without amendment.

The President: It is a substitute and will be voted on as such.

Mr. Hall, of Marion: I design to make the motion merely to accomplish the object.

The President: It will be regarded as a substitute.

On the motion to thus lay on the table indefinitely the vote resulted:

Yeas—Hall of Mason (President), Brown of Kanawha, Brumfield, Chapman, Carskadon, Dering, Dolly, Hall of Marion, Haymond, Harrison, Hubbs, Irvine, Lamb, Montague, McCutchen, Robinson, Ruffner, Sinsel, Stephenson of Clay, Stuart of Doddridge, Sheets, Smith, Van Winkle, and Warder—24.

Nays—Brown of Preston, Brooks, Battelle, Caldwell, Dille, Hervey, Hagar, Hoback, Lauck, Mahon, O'Brien, Parsons, Powell, Parker, Paxton, Pomeroy, Ryan, Simmons, Stevenson of Wood, Stewart of Wirt, Soper, Trainer and Wilson—23.

So the resolutions were laid on the table.

POMEROY TRIES TO RESURRECT.

The following day, after reports on finance and county organization had been disposed of and sent to the Committee on Revision, Mr. Pomeroy, of Hancock, suggested that as they now had nothing else before them the vexed question raised by the resolution offered the day before by Mr. Battelle "might be compromised," either by adopting a proposition already written out or by raising a committee of conference representing in about equal number the opposing views, and let them bring in a report, either to adopt the first of the resolutions offered by the gentleman from Ohio and make that part of the constitution without any separate vote by the people or raise a committee of conference.

I fully concur, Mr. Pomeroy continued, with the remarks of the gentleman from Logan in conversation on this subject that we ought all to desire a new State above everything else and take action which would meet not only the favor of the people but of Congress. I am not prepared to say, from the fact of this business being hurried through, which is the best manner to proceed. I cannot conceive any evil that could result from a committee of conference, as I understand they would certainly report in favor of the first of the resolutions offered by the gentleman from Ohio being incorporated in the constitution; which is that no free negro or slave after the adoption of the constitution should be imported for permanent residence. So many gentlemen say they would agree to that there could be no difficulty in the committee of conference, for they would certainly report that part and then might take into consideration the other part. I cannot conceive if the committee would meet in the right spirit any evil would result, and if so it would be my idea to raise the committee now.

SMITH WANTS "COMPROMISE" BUT NO "EXCITEMENT."

Mr. Smith, of Logan: If there is a proposition of this sort proposed I would like for it to be read and if it meets our approbation, I would like for it to be adopted at once without a committee of conference if it can be. If it is thought probable it will not be, let us refer it to a committee of conference. But I would prefer the proposition being read as acceptable to myself and others who act with me. We may as well vote on it at once. I am willing, in a spirit of compromise, to concede anything I can properly concede; and I would prefer hearing the proposition that is proposed to be offered. I understand there is a gentleman who has a proposition, and I would like to have it read and then determine what to do with it, and if it is going to produce any excitement here I would prefer to have it sent to a committee of compromise.

Mr. Battelle: I regret, for one, that this subject is named now. A gentleman on the other side came to see me this morning, and inquired whether this topic would probably be up this morning. I, of course, could not speak authoritatively but thought it would not; and I pledged him, so far as I was concerned, that there should be no action on this question in his

absence. I want no action here that shall be a vote one way or the other without the fair presence and concurrence of gentlemen interested in both ways. I want, if I am defeated in my particular opinions on this subject, to have it fairly done; and if I succeed in my views I wish it fairly done; and for that reason, especially that I pledged myself to the gentleman who is absent, that nothing should be done here without his presence. I would regret that anything more be done at least than what was indicated by my friend from Hancock, the appointment of the committee. I would not wish to go into the discussion of the question in the absence of this gentleman.

Mr. Dering: How would it do to make it an order of the day for three o'clock?

Mr. Battelle: I suppose the appointment of a committee would be no infraction of that understanding?

DILLE WOULD EXCLUDE NEGROES AS A "COMPROMISE."

Mr. Dille: I have for some time had more trouble in reference to this question than perhaps any other that might be brought up before this Convention in any manner; and I have felt that something like this provision would harmonize and conciliate and do everything consistent to bring about a perfect harmony upon this, of all others, the most vexed question in our country. And I suppose, really, that we ought in the spirit of compromise come to some definite conclusion without any discussion or agitation upon this subject. And I suggest this morning upon my own responsibility, without even consulting with the friends of the proposition that was laid on the table yesterday, to inquire of the mover whether the first clause of the proposition laid on the table yesterday would probably as a compromise be acceptable to those favoring the motion to lay the original proposition on the table. With the frankness and good feeling characteristic of the gentleman from Logan, he intimated to me that he had no doubt the first clause would be acceptable to those entertaining views adverse to this proposition. I then intimated and I am willing to say that if this Convention can be reconciled upon that first proposition, and that proposition can be inserted in the Constitution with the cordial approbation of the friends of the proposition and those who may be adverse to the whole proposition, that I think we

ought to accept it. I look upon a new State in West Virginia as a matter above and higher than all other considerations combined; and I think we bring about a state of feeling that will contribute more to the success—that will concede to the feelings and prejudices of our people and to the feelings and prejudices of those to whom we must look if we expect admission as a State into the Union. And if I can have the assurance that that proposition will meet with the approbation of this Convention, it will afford me great pleasure to present it; and having been accepted by those who oppose the whole proposition, I will say to them that as one individual I will oppose any action being taken on the latter clause of the proposition. I think it is right; I think it is due to members of the Convention, that we should make mutual concessions on this subject.

POMEROY FOR A CONFERENCE.

Mr. Pomeroy: I will now move, to test the sense of the house, as there are a number of gentlemen present on both sides, that a committee of eight be appointed. I see no evil that can result from this committee of conference. They would certainly report on the first part. Whether they do or not, it will be open to the Convention afterwards. And I want to say, Mr. President, that I hope all these things will be met in a spirit of conciliation and good feeling—no undue excitement on this subject at all. The committee will certainly report this first proposition, which the gentleman from Preston says he is in favor of; and I also am favorable to it, because we do not want any free negroes here.

BROWN OF KANAWHA DELIGHTED WITH DILLE'S "COMPROMISE."

Mr. Brown of Kanawha: I have just learned definitely of the proposition of the gentleman from Preston and his declaration; and I am very ready to say that I will meet him half-way with the right-hand of fellowship and adopt his proposition at once as a full settlement of this matter. And I believe, sir, it will give peace and quiet to our people; it will do justice to all, and it will compromise the rights of none; and when so great and good an object can be done, I shall be one of the first to accept and sustain it. I hope it will be the pleasure of every gentleman in the house to do the same thing.

Mr. Caldwell: I hope after the remarks we have all heard from my friend from Kanawha County that the gentleman from Hancock will see the impropriety of prolonging this matter any further and of the absence of any necessity for appointing a committee. I think this house now is in a position in which this proposition can be adopted, calmly and coolly, and almost unanimously adopted; and I hope my friend from Hancock will withdraw his motion for a committee, and I trust we will pass it unanimously.

Mr. Hervey: I am very much pleased to hear the proposition made by the gentleman from Preston. I have had some conference with a number of gentlemen who opposed the motion to lay on the table yesterday. We have great confidence in the discretion and forecast of the gentleman from Preston, and I confess, sir, that I have no fears at all. I believe it is bound to be a free State; and I have no doubt that as this seems to be the only exception by the persons from both sides that we better just vote that proposition as it stands without the committee.

A member asked what the precise proposition was. The Secretary reported the first clause of Mr. Battelle's proposition as follows:

"No slave shall be brought or free person of color come into this State for permanent residence after this constitution goes into operation."

Mr. Dille: I hope it will be the pleasure of the gentleman from Hancock to withdraw his proposition. And I hope further, with the feeling that I see around me on this subject that this proposition may be inserted in the constitution by an unanimous vote. I do not want a dissenting voice on that subject; and I want the whole matter to end there. I think we might spare a good day's work and a day's work that will tell upon the future of the new State of West Virginia.

PRESIDENT HALL APPROVES.

The President: The chair is of the opinion that if the disposition to compromise this question exists in the Convention—and it seems to exist there—that it would be certainly inadvisable to appoint a committee; that after what has occurred, it

might carry the idea abroad that there was a division here; that what we did we were forced to do through a committee of compromise. The chair would therefore suggest to the Convention that if there is that unanimity which the chair hopes there is, then it is better to dispense with the committee.

Mr. Pomeroy: The mover of the motion will very cordially withdraw it if the Convention is ready to vote. I can very cordially vote for that proposition and I thought the committee could do no harm.

BATTELLE PREFERS A CONFERENCE.

Mr. Battelle: I wish to say at this point that in view of the considerations before stated by myself I should prefer that action be not taken this morning on this question; and if anything is done I should prefer the direction intimated by the gentleman from Hancock. As I said before, I know there are gentlemen absent on both sides of this question, but I speak especially of gentlemen I know to be absent on the other side who before leaving came to me and intimated their desire that the question be not brought up this morning. As far as I am personally concerned, I expressed my own preference that it should not come up, and that if it did they should be notified thereof. I feel that my honor is involved in this point; and if the question is to come up for final action here, it is but right that they should be present. I will add, further, that personally I would prefer to have more time for reflection on this subject. The idea of incorporating this single provision is a new proposition to me, and I do not think it can interfere with the harmony and good feeling that prevails here this morning to either refer or allow the vote to be taken to-morrow morning. I should prefer that direction to the taking of the vote now, and I think it would be the fairest on all sides if we could understand it that the vote was to be taken then and everybody could be present.

Mr. Haymond: I am in hopes the gentleman from Hancock will withdraw. I think the resolution of the gentleman from Preston is the very thing, sir, that I wanted when I came here.

The President: The gentleman has withdrawn his motion.

Mr. Stevenson of Wood: I was going to make this suggestion—or if necessary make a motion—as there are a number

of gentlemen absent on both sides of this question, that they should have an opportunity of recording their votes on this subject if they thought proper, either to-day or to-morrow.

Several Members: Certainly.

The President: It will be considered as the sense of the Convention.

Mr. Pomeroy: I hope it will be the unanimous consent of the Convention that the vote be recorded on this, the yeas and nays.

Mr. Parker: If I understand, this is on the first clause.

The Secretary read the first clause of the propositions submitted yesterday by Mr. Battelle.

PARKER HAS HIS DOUBTS.

Mr. Parker: No one would be more gratified than myself if the whole question could be entirely ignored. The only question in my mind—and the question has been there for some time is whether we can get through Congress—whether we can consummate our end. If we could do this without touching the question at all, it is my desire and has been all the time. Now the question arises in my mind whether the adoption of what now seems to be pretty generally conceded—if that is to be satisfactory and enough, I am for it—that is, if it is necessary. But whether it goes far enough to meet what will be necessary, to ensure us admission—the approval of Congress and admission—that is the question. And it is a vital question, it seems to me. I would therefore, Mr. President—because I don't believe discussion on a question of this kind is going to do any good—I should hope that the matter might be referred to a committee fairly representing both parties here—say of eight—and that they investigate the whole matter and report what in their judgment the Convention ought to do to secure us success. Because unless we meet with that success there, why then the whole thing here is a stupendous and expensive abortion, not to say disgrace; and its projectors and conductors, including ourselves, would be the object of universal derision.

The President: The question is a plain one. Everybody seems to have made up their minds. The object of the Convention is to avoid discussion as far as possible.

Mr. Stuart of Doddridge (who had just come in): When I vote on this, do I understand that I am voting on it as a compromise measure, and as settling the question?

A Member: Yes, sir.

Mr. Stuart of Doddridge: Then, sir, I do not want to say one word.

BATTELLE ENTERS INTO NO "COMPROMISE."

Mr. Battelle: The gentleman from Doddridge is now in, and I wish the Convention to bear me witness that the coming up of this question now is not by my act and that I have redeemed in good faith the promise I made him this morning. I much prefer that this question should not be considered now and especially after the intimations given to it.

And I wish here to say that so far as I am concerned, as an individual, I enter into no arrangement with regard to compromises in this fashion. I expect to vote for what suits me and to vote against what I dislike. I should much prefer if the question did not come up this morning and was willing, so far as I regarded it as violating no understanding with individual members—if it did come up at all, that it be referred to a committee such as indicated by the gentleman from Hancock, of four persons on each side. I should feel myself, if voting for that proposition, bound to at least pay very respectful attention to their report whatever it might be. I am prepared to vote for the pending proposition in good faith; but I wish to say in answer to the question of the gentleman from Doddridge that on my part I do not enter into this arrangement as a matter of compromise; because there has been no arrangement which could give it the dignity of a compromise: I mean no such parliamentary arrangement, for instance, as its reference to a committee.

And I will say, sir, with the indulgence of the Convention while on the floor—and that is the crowning motive impelling me as an individual in all this business—that we should have a new State; and I desire to see such action taken as will most effectually secure that end. I have not had time for reflection to determine in my own mind how far it will go towards securing that end. I should have preferred, if the question must be

mooted to-day at all, that it be referred to a committee fairly and properly constituted of gentlemen of different views, that they might report to us to-morrow morning.

The question was taken on the motion to incorporate the first proposition in the constitution and it was agreed to, with a single dissenting vote, that of Mr. Brumfield.

DID HIS OWN VOTING.

Several members appealed to Mr. Brumfield to change his vote and make it unanimous.

Mr. Brumfield replied that he didn't "take as much part in the discussions as some of the members," but he always "did his own voting."

The members absent when the vote was taken were: Paxton, Mahon, Willey and Walker.

HAYMOND DIDN'T REFLECT.

Mr. Haymond: I congratulate this house and the country on the vote just taken. If nothing more is said about slavery here, it will do more than anything this house can do to cause all opposition to this Constitution and this New State to cease. And I ask my friend from Ohio (Mr. Battelle) never to mention slavery here again.

Mr. Dering moved to adjourn.

Mr. Battelle: Will the gentleman withdraw his motion a moment?

Mr. Dering: Certainly.

Mr. Battelle: Indulge me a moment while I say that I join in the congratulations of my friend from Marion; except in so far—which I suppose he did not intend—as his remarks imply any reflection on me individually for mootng a subject here

which in my judgment as a representative in this Convention I see proper to moot. I hope, however, the gentleman intends no reflection on me personally.

Mr. Haymond: I intended nothing of the sort.

PERVERSION OF HISTORY.

In the "Sketch of the Formation of West Virginia" prefixed to Vol. I West Virginia Supreme Court Reports appears the following:

On the 14th of December, Mr. Battelle, a delegate from Ohio County offered a series of propositions designed to be engrafted into the Constitution in relation to African slavery that brought about great debate, which happily was sustained in a spirit of fairness and candor not always hitherto the accompaniment of the investigation of that singularly perplexing subject. * * * After a prolonged struggle, the propositions were defeated by a majority of one.

In the foregoing pages is given a verbatim report of all that was said and done in regard to Mr. Battelle's propositions. The debate could hardly be described as "great," nor the struggle as "prolonged." The prompt application of the gag forbade debate and cut short the struggle.

FORFEITED LANDS RELEASED.

The last subject to receive the attention of the Convention was wild lands, lying chiefly in the more mountainous and southern districts. Under the Virginia system these lands had been subject to entry by warrants sold at two cents per acre. The great body of them had long been held by speculators, who carried them along from year to year, or from decade to decade, and took advantage of every loophole in the laws to postpone or evade

the payment of the trifling taxes levied on them, the commonest trick being to neglect to have them entered on the land books so the taxes could be charged against them. It appears large areas of these lands forfeited to the State prior to 1832 were by legislative act in that year exonerated; and it appears also that through carelessness or intentional fraud many of these same lands were carried along for the succeeding twenty years in the same way. In April, 1852, an act was passed giving the owners until the first of July, 1853, to pay up, and forfeiting all lands not so paid for. Thus some lands were twice forfeited, in 1831 and again in 1853.

SCHOOLS ARE THE LOSERS.

The first proposition to deal with these lands in the Convention was submitted by Mr. Battelle in his report of provisions for the chapter on schools. He proposed to create a permanent school fund, for which he expected to get large accretions from sale of these forfeited lands. He proposed that all lands within the New State which had not been entered for taxation or upon which taxes had not been paid to the State of Virginia or West Virginia for a period exceeding five years should be "deemed and declared forfeited and forever irredeemable," and such forfeiture should not be released. This drag-net would have caught all the lands given away by the State (two cents an acre was giving away) to persons who had twice forfeited all right to them by either inexcusable carelessness or intentional dishonesty. Three days after this Mr. Smith of Logan proposed a substitute the effect of which

was to simply confirm the forfeitures in 1831. This was adopted. Some days later Mr. Brown of Kanawha offered a provision (also adopted) that "all lands vested in the State of Virginia may be redeemed by the former owner within five years after this Constitution goes into operation." This appeared to annul even the forfeiture proposed by Mr. Smith. Then the whole subject was referred to a special committee of which Mr. Harrison of Harrison was chairman, and the provisions reported by them were embodied in the constitution. These were in effect (1st) that the Legislature should provide for the sale of lands heretofore forfeited to the State of Virginia for failure to pay taxes charged, or for non-entry on the books, for the year 1831 or any previous year; (2) that lands returned delinquent and lands forfeited for non-entry, since 1831, where the taxes did not exceed \$20, and tracts did not exceed 1,000 acres, were released and exonerated from forfeiture and delinquent taxes; (3rd) that lands theretofore vested in the State of Virginia by forfeiture or by purchase at sheriff's sale for delinquent taxes, and not released or exonerated by the laws of Virginia or under provisions of the 2nd clause preceding, could be redeemed within five years after the constitution became operative. These provisions, it will be seen, provided avenues through which about all these forfeited lands could be given back to the persons who had carried them thirty years without any payment of taxes, except where the tracts were larger than 1,000 acres and the taxes more than \$20. It was even provided that where any forfeitures did occur and the lands were sold, all excess of the sale over the taxes, damages and costs should go back to the

former owner. Thus it appears was lost to the schools nearly all of the munificent endowment Mr. Battelle had expected to secure from this source.

PARKER SAYS DISCRIMINATION.

The subject was one about which most members of the Convention except lawyers knew little. Mr. Parker of Cabell opposed the conclusions of the committee. He contended that where forfeitures had accrued under the legislation of Virginia, the title had been vested in that State and this Convention had no power to deal with such cases; that if in the face of this lack of authority the Convention should attempt to dispossess the State of these lands and give them back to the former owners, West Virginia would have to account for them to Virginia in the settlement between the two States. He complained also of the discrimination in releasing tracts under 1,000 acres where taxes did not exceed \$20 and not releasing the larger tracts. The larger tracts, he said, generally belonged to non-resident owners; the smaller to persons nearly all of whom were at that time engaged in the Rebellion. The August ordinance had forbidden discrimination against non-residents in the matter of taxation, and this was a violation of that injunction. He protested against the scheme brought in by the committee as doing what the Convention had no power to do; "and if it had the power," he said, "the exercise of it in the manner proposed would be in the highest degree iniquitous and unjust." Mr. Parker was the agent for large landed interests belonging to non-resident owners. While the fact

may be held to impeach his disinterestedness, it does not necessarily impeach the truth or justice of his position. His relation to the subject had obliged him to make himself familiar with it and enabled him to see the operation of what was proposed, while others who had not made special study of the subject could not trace its intricacies.

A ZEALOUS ATTORNEY.

The member who appeared to be most zealous and most influential in shaping the action of the Convention in this matter was Col. Benjamin H. Smith, delegate from Logan. Colonel Smith was a resident of Charleston, and at that time U. S. District Attorney, a lawyer of ability and experience, and perhaps more familiar with the subject of Virginia wild lands than any other member of the Convention. He had been permitted to come in upon a petition signed by fifteen refugees, claiming to be from Logan County, who were at Camp Piatt, the headquarters of the 44th Ohio Regiment.

Several other members of the Convention held seats by credentials quite as slender as these, but none of them attempted to exercise such a controlling influence as Colonel Smith. He did not come into the Convention till late in the session, and all appearances indicated that he had sought admission to a seat only because of his interest in this subject.

THE CONSTITUTION.

It would exceed the limits set for this work to attempt even the briefest synopsis of all the debates in this Convention. The first sitting lasted eighty-five days. There were fluent talkers—and a few really able ones—among the members; a few broad-gauge, liberal-minded men, familiar and in sympathy with the best thought and purpose of the time; and such is the might of intelligence and of open, straightforward purpose that they, despite the narrowness, ignorance, pro-slavery virus and old-Virginiaisms of all kinds in the Convention, gave direction and in the main final shape to the instrument produced.

The loyalty of the State was declared in the first section of the first article: "The State of West Virginia shall be *and remain* one of the United States of America." The Virginia bill of rights was incorporated with its guaranties of religious liberty and freedom of speech and press; security of the citizen in his home; admission of the truth in the absence of malice as justification in defence of suits for libel. "Treason against the State" was recognized, punishment to be fixed by statute. The three departments of government—legislative, executive and judicial, were required to be separate, neither to exercise the powers of another, nor any person invested with the powers of two at the same time. Mr. Jefferson, the most eminent of all Virginia law-givers, it may be remarked, was so scrupulous about the observance of the separation of these three departments of government that when he became vice-president he declined to take part, as had been the custom down to that time, in the deliberations

of the cabinet, on the ground that he belonged to the legislative and had no right to participate in the executive functions. In that period, fresh from constitutional studies, public men gave much more consideration to this demarkation than now. Montesquieu ascribed the merits of the English constitution to its separation of these three functions, and no one principle, as essential to freedom, took such hold on the builders of our National Constitution. Mr. Jefferson regarded the concentration of these powers in the same hands as "the precise definition of despotism." Suffrage was limited to the "white male" citizens and a capitation of \$1 required. The voting was to be by secret ballot and there was to be a registry of voters. There was to be no grant for extra compensation after work was done; dueling was punished by disability to hold office. Legislature to meet annually; sessions limited ordinarily to 45 days; members to receive \$3 per day and 10 cents a mile; bills to be read on three separate days except in emergency. Governor's term to be two years, salary \$2,000; other State officers: Secretary of State, Treasurer, Auditor and Attorney General. Judiciary to consist of circuit courts and Supreme Court; the latter to consist of three judges, at salary of \$2,000 and term of twelve years. County officers to be: Sheriff, prosecuting attorney, surveyor, recorder and assessors. Civil jurisdiction of justices limited to \$100. No county to have less than four hundred square miles area. Taxation to be "equal and uniform, all property, real and personal, to be taxed in proportion to its value" and "no one species of property to be taxed higher than any other of equal value." Creation of State debt forbidden, ex-

cept to meet casual deficits in revenue, to redeem a previous liability, suppress insurrection, repel invasion or defend the State in time of war. Credit of the State not to be granted to or in aid of any county, city, town, township, corporation or person, nor the State to become responsible for the debts or liabilities of such unless incurred in time of war for the benefit of the State. An "equitable proportion" of the Virginia debt prior to January 1, 1861, to be assumed, the Legislature to ascertain the same as soon as practicable and provide for its liquidation by a sinking-fund.

A general school fund was created from accretions to the State from sales of "forfeited, delinquent, waste and unappropriated lands;" from grants, devises or bequests to the State; from the State's share of the literary fund of Virginia; from money, stocks or property which the State had a right to claim from Virginia for educational purposes; proceeds of estates where there was no will or heir; escheated lands; taxes levied on the revenues of corporations; moneys paid as exemption from military duty, and any appropriations to the fund which might be made by the Legislature. This fund was to be invested as it accrued and the interest only used to supplement local levies. The Legislature was required to provide for a thorough system of free common schools, with a State superintendent and county superintendents. Out of these provisions has grown a large permanent fund, for which the State has largely to thank Gordon Battelle, chairman of the Committee on Education. If Mr. Battelle could have had his wish, the school legacy of West Virginia would have been much larger.

Lotteries were forbidden, as was also the incorporation of any church or religious denomination. Circuit courts were allowed to grant divorces, change names and direct sales of the estates of minor or other incapable heirs. The Legislature might prohibit the traffic in intoxicating liquors; and it was required to provide by general laws for the creation of corporations. All special legislation was prohibited. Persons of color, slave or free, were forbidden to come into the State for permanent residence (but this provision was eliminated at the recalled session on requirement of Congress).

In the discussion on county organization, Mr. Van Winkle had quoted Jefferson, who declared: "Those wards, called townships in New England, are the vital principle of their governments and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation." The township system was adopted, the town supervisors to constitute the county fiscal board. This board, unlike the old Virginia "county court," was to exercise no judicial functions. A sufficiency of courts was provided for, and the county board of supervisors was to attend to fiscal business and exercise legislative functions only.

The one serious mistake in this constitution was in not providing for the early extinguishment of slavery. But the influence of the institution upon the minds of even liberal and intelligent men—as if it were an enshrined divinity in some "forbidden city," not to be touched by profane hands and to be spoken of only with bated breath—was one of the phenomena of the time.

The schedule provided for submitting the constitution to the people on the fourth Thursday in April. The commissioners were to certify the result to the Governor; and if the constitution should be adopted by the people, he was requested to lay the result before the Legislature and ask that body to consent to the separation; and to forward the evidence of such consent, if given, to the Congress of the United States, accompanied by an official copy of the constitution, with request that West Virginia be admitted as a State into the Union.

CONSTITUTION ADOPTED.

The vote on the constitution was 18,862 for and 514 against. The friends of a free State, under lead of the *Intelligencer*, disappointed by the refusal of the Convention to submit Mr. Battelle's emancipation proposition, advised the taking of an informal vote on the same, and in a number of counties this was done. The aggregate of the vote cast in this irregular and unauthorized way was over six thousand in favor of emancipation to a little over six hundred against it—ten to one. This was a surprising expression in view of the difficulties under which it was obtained.

LEGISLATURE CONSENTS TO DIVISION.

The General Assembly met May 6th, in response to call from the Governor; and on the 13th gave the formal consent of Virginia to the formation of the new State; and a certified copy of the formal consent, with a certified copy of the constitution, was forwarded to Washington and placed in the hands of Senator Willey.

CHAPTER XVI.

BATTELLE'S MASTERLY PLEA FOR A FREE STATE.

ADDRESSES A WIDER AUDIENCE.

Gordon Battelle, denied the right of uttering his thoughts regarding slavery on the floor of the Convention, appealed to the palladium of modern liberty, printers' ink. He printed in pamphlet the address he had intended to deliver and scattered it throughout the counties of Northwest Virginia. It is an utterance that deserves a place in the permanent historical literature of West Virginia. It seems to me the ablest and completest presentation of the question as it then existed west of the mountains ever put on paper. Its logic is irrefutable; its pathos, its eloquence, its appeals to all the better motives and purposes which could animate men laying the foundation of a commonwealth, are irresistible.

* * * Why is not the temperate and free discussion of this question perfectly legitimate to this time, and to the purposes for which this body has been convened? We are met here by the will of our constituents, as a free Convention—(excuse me, sir, that I do not say a sovereign Convention, a designation which the events of the last few months have led some of us to most



GORDON BATTELLE.

heartily distrust)—to form and propose a fundamental law for the adoption or rejection of the people of the proposed new State of West Virginia. It is simply meeting the just and reasonable expectations of the people, that we have already considered, or that we shall hereafter fully discuss, all the departments and agencies of government, as well as the various interests and objects upon which that government acts. Every institution and interest of the people, that is now or that is likely to become the subject of law, is, as I suppose, by the very power that brought us here, placed fully before us for our examination and action. That the institution of slavery, as it exists in our bounds, is the mere creature of law; and that as law creates it, law is competent to remove it, and that, therefore, it is fairly and properly a subject for our consideration, is so plain a proposition, that I think none will deny it. Let it be observed that I am not now discussing the question, what shall

we do with this interest? but the prior question. Is it a proper subject for our inquiries? It strikes me there can be but one answer.

And let it further be borne in mind, that it is not proposed that we sit in judgment on the affairs of our neighbors. We are not invited to waste our time in idle criticisms upon the local concerns of either Georgia or Maine. Of the unprofitableness, to say the least, of all such misguided effort, no one has more decided convictions, or has expressed them more emphatically than myself. But the thing now proposed is, that the people of West Virginia, in reference to an institution completely and absolutely their own—existing on their own soil—deriving its very breath from their own laws, and only from thence—shall, through their representatives here met, look that institution squarely and firmly in the face; that they shall treat it with the same freedom, no more and no less, with which they consider every other interest of the people—that they shall examine it, regulate it, if it needs regulating; confirm it, if it needs confirming; or abate it, if it needs abating, accomplishing in short, a duty which they are not only competent to perform, but which, in some of its fundamental aspects, there is absolutely no other assembly on earth that has the power to touch. I need scarcely add, in a presence like this, that our organic and statute laws bear witness on many an ample page that this question, not only of competency, but of propriety, has long since been settled beyond dispute.

And why should it not be thus? You propose, and most properly, after the most thorough and unflinching scrutiny, to freely pass upon the claims of capital and credit, banks and highways, taxation and representation, lotteries and duels, marriage and divorce, corporations and schools, upon every question, in short involving the rights of either persons or things, within the limits of what we all hope with the blessing of God, is to become a prosperous and renowned Commonwealth. Why should this question, involving the interests and rights of labor—its very status indeed—more fundamental than any of them, be of them all, alone ignored? You propose in reference to other questions, to have a clearly defined policy. Why shall this one upon which all others depend, alone be doomed to uncertainty and peril?

I wish to offer one other preliminary remark.—It is quite certain that first and last, some very unwise and untimely words have been uttered, and acts performed, by outside parties in reference to our system, that had better on every account remained unsaid and undone. What then? Because others to whom our domestic affairs do not belong have sought, offensively it may be, to meddle with them, shall we to whom they do belong refuse a just attention to them? It is all very easy to say that if people elsewhere had not acted extravagantly Virginia would have freed herself thirty years ago from this burthen. But what shall we say on the other hand of the statemanship of those of our own rulers, who, with a system directly and continually under their own eye—admitted by themselves to be injurious to the State—have, because great folly existed somewhere else, not only permitted but carefully encouraged that system to strengthen with its growth, until it has well nigh plunged a whole commonwealth from seaboard to river, in irretrievable ruin! It were very childish certainly, and in that sense but natural perhaps to follow the example of the ostrich, which when pursued by its foes, sticks its head in the sand so that it cannot see the danger to which it is thereby all the more exposed. But is it manly, is it wise thus to act? Is there a man among us that does not believe, that had this State at the time alluded to, firmly and wisely met this issue, not only would she now have been abreast of her neighbors in the race for prosperity, but this blasting, desolating war would have never entered her borders.

Let it further be observed that it is not proposed by any thing before us to interfere in any shape with any existing relation or right.—Where the relation of master and servant exists among us it will, for any thing here proposed, still continue, and so continuing it ought to be, and no doubt will be, protected by sufficient laws. The proposed measure has in it nothing violent, sudden or rash. Its friends are not tenacious of particular phrases, or forms or dates; but they do urge, as both fundamental and vital to the success of the new State, that it shall now be settled in our organic law, that at some reasonable, fixed though future time, this weight upon our energies shall begin its gradual but certain disappearance.

I propose to consider this question first and briefly as a matter of principle; and then as a matter of expediency. The system of slavery, as exhibited in our laws, is wrong in itself. Any candid observer will not fail to discriminate between the *system* and the acts of the individual. The one is always bad; the other may not only be innocent, but oftentimes is so. I shall indulge in no harsh terms concerning the system as thus shown; but I state certainly no more than the plain truth when I say that it cannot be reconciled with the obvious requirements of either justice or morals.

I have already endeavored to discriminate between our system of slavery as gathered from our laws, and the acts of the individual citizen. My acquaintance with many of the slave owners of West Virginia leads me to still further emphasise that discrimination. Many of them I know to be just and humane—not in consequence of the system, but in spite of it. Men who, though placed by circumstances in contact with a bad law, themselves are governed by a better rule; men who are every way better than the system, and who have steadfastly resisted the temptations to avarice and power, which it has constantly presented to them; who, as masters, parents and citizens, have given examples of virtue worthy of the imitation of us all, and who, in this the hour of their country's great peril, have unwaveringly stood up for that country's honor and flag. I am proud to-day to have had the privilege of numbering some of these—from among the living and the dead—among my most valued friends. And I say further—and let the Convention mark what I am about to assert—that if the proposition now urged is submitted to the people, some of these very men will not only vote for it, but they will be among its most effective supporters. They will see in the measure that which, while it interferes with no existing right or relation, not only gradually and safely settles a disturbing question, but that which immeasurably advances their own prosperity by securing that of the community of which they are members. But waiving this inquiry the point of present interest is the fact that the law—the system itself, and it is of that I speak, is bad; that it presents to the community, with all the sanctions of the public authority, a false principle; and as such, it ought to be in *some* wise and safe way, abated.

I shall offer no apology in a body like this for inviting attention to this aspect of this question. What is right, or what is wrong, is as I suppose, precisely one of the questions that every man here asks or should ask himself, in every vote he gives, and in every act he performs. Who will say that it shall be disregarded only in the case of those who by no possibility, can ever make here, a vocal or personal appeal? But if it could be presumed that we may ignore this principle in this direction of it, dare we do so, in the direction of our own people, who, it may safely be affirmed, have been and are after all, by far the greater sufferers, by the wrong which this system embodies. The injuries which it inflicts upon our own people are manifold and obvious. It practically aims to enslave not merely another race, but our own race. It inserts in its bill of rights some very high sounding phrases securing the freedom of speech; and then practically and in detail puts a lock on every man's mouth and a seal on every man's lips who will not shout for and swear by the divinity of the system. It amuses the popular fancy with a few glittering generalities in the fundamental law about the liberty of the press, and forthwith usurps authority, even in times of peace, to send out its edict to every postmaster, whether in the village or at the cross roads, clothing him with a despotic and absolute censorship over one of the dearest rights of the citizen. It degrades labor by giving it the badge of servility; and it impedes enterprise by withholding its proper rewards. It alone has claimed exemption from the rule of uniform taxation; and then demanded and received the largest share of the proceeds of that taxation. Is it any wonder in such a state of facts, that there are this day, of those who have been driven from Virginia, mainly by this system, men enough with their descendants, and means and energy, scattered through the West, of themselves, to make no mean State?

But another and a deeper injury which this system inflicts upon our people, is in its swift tendency to pervert the popular mind. It cannot have escaped the observation of any one here, that law—civil law, whether fundamental or statute—is one of the most potent educators of the people, whether for good or ill. It addresses and demands obedience of every citizen. The work which we and those other tribunals which we shall call into being, will perform, will be as ubiquitous as the light

throughout the new Commonwealth, ruling in the business of the people; presiding unseen, it may be, but still potentially present, in their social intercourse; coloring and fashioning their very thoughts; and holding in its hands their fortunes and their lives. It will be, in a word, the law of the land, and as such it will, in some shape or other, visit every dwelling, and come home to every bosom. What we do here will be the rule, not only of practice, but of principle to thousands, may I not say millions yet to come.—Shall we not see to it, that that rule, neither by its utterances, *nor by an equally expressive silence*, shall not tender to the people, with all the solemn sanctions of the public authority, some deadly error that shall poison at its very fountain, the life blood of the State.

We have all listened here to the occasional and incidental, but most touching recitals of the delusions into which masses of our people have fallen, who are involved in the meshes of this terrible rebellion. I will not say that these extenuations as thus uttered, do not do honor to the heads and hearts of gentlemen conceiving them. But what has caused these blinding delusions? God help us all! for I fear that none of us is wholly innocent in this business. Our own slave code—organic and statute, written and unwritten—has furnished the fruitful soil whence has sprung full armed—perjury and rebellion, and treason and war. I have somewhere heard the story of a watch, most elaborately and artistically fashioned, which should have gone always right, but which did go always wrong. It was examined and re-examined and re-adjusted, with the same result, until a magnet was discovered near the balance wheel, which disturbed its every motion. This removed, all worked well. Our old system, if left unrestricted in the new State machinery, will prove in the future, as in the past, the effectual disturber of its action.

I know very well that sentiments such as these have not been often heard, of late, in Constitutional Conventions of this State. But I know as well, that they have been heard in Virginia's purest days, and from the lips of Virginia's most eminent sons; and I but repeat as a learner, the lessons they have taught me. Beginning with Washington—continuing with Jefferson, Madison, Henry, and a host of others in that unrivalled galaxy of names.—disapprovals of the system as a question of

principle, as well as on political grounds, everywhere abound. And I may say further, that up to a comparatively recent period, not a single utterance can be found from any prominent American statesman, South or North, which in substance differs from this testimony. Nor has the old voice lacked a response, even in later times. The most eminent citizen of Virginia birth, since the former period—the echoes of whose voice still linger in the vallies of his own adopted Kentucky, rousing her gallant sons to the support of that Union which, living and dying, he loved so well—left, almost with his parting breath, as his legacy to his countrymen, his testimony to the wrong of the system, and his scheme for its removal. I know that this Convention will justify me when I say that this is a goodly fellowship, and that the place for reproach to any American citizen, is not in steadfastly adhering to it, whatever may be said in the case of his differing from it. If I have been led into error, these are my seducers: nor has any modern light yet dawned upon me which has caused me to distrust or discard such teachers.

Gentlemen tell us in glowing strains of their deep devotion to Virginia, and of their pride in their share of her glory.—But the inquiry is a pertinent one: To which Virginia do gentlemen refer? for I insist that not merely geographically, but historically and intrinsically, there are two. Do they refer to the Virginia of the Father of his Country, and his illustrious compatriots, who were at once, and in great part, the founders of the Republic, as well as the fathers of the State? Or do they refer to the Virginia of Wise, and Floyd, and Letcher, and Pryor, and the rest? Shades of the mighty dead! forgive me the sacrilegious juxtaposition of your names! But to which Virginia do gentlemen refer? Is it the Virginia of Washington, or the Virginia of the infamous Ex-Governor, who, far surpassing any professions here made of his devotion to Virginia, gave as his latest proof of the intensity of his love, his raid into one of her fairest and most fruitful vallies, barbarously laying it waste with fire and sword? Surely it must be—it cannot be otherwise—that it is Virginia as she was, and not as she is, that gentlemen love so well; and in this all good men everywhere will join them. And for me also to love there is still another, born out of tempests and storms, and to which this body has given a name. To the people of West Virginia, who, faithful

among the faithless, have clung as with the grasp of death, to the old Union, which their fathers loved so wisely and so well, my devotion goes forth without measure or stint. In all self-respectful truthfulness, I say it: from my inmost soul, I honor and reverence them. Every man of them, whether a dweller in the mountains or in the city, is my brother and my friend; and God being my helper, I am his to the end. But by the same rule, and in the same measure, from my soul, and by my very manhood, I loathe, and detest and abhor, so much of that other and degenerate Virginia, as attempted, not ten months ago, through a portion of its representatives, to transfer me and mine, and my neighbor and his—at night and in secret—with our all of honor and liberty and life, to the rule of the most infamous and diabolical usurpation and despotism, that the annals of time record.

I propose in the next place, to consider this proposition in the light of expediency. It is always expedient to do right, and if what has already been advanced, be admitted as true, the present inquiry is already answered. But let us proceed to the practical question. What do the best interests of the people of West Virginia demand at our hands to-day? I take it for granted that we all desire, in behalf of the new State which we are seeking to inaugurate, that it shall at once, and with no tardy pace, enter upon that high and honorable career of prosperity that has been so long and so iniquitously denied us as a people; that our virgin lands shall be tilled; that our immense mineral wealth shall be disembowelled, that school houses and churches shall crown our hill tops, and that the whole land shall smile with fruitful fields and happy homes. To the attainment of ends so desirable, we will all agree that it is indispensable that population, capital and enterprise, shall flow into our borders, and through our valleys; and above all that we must have as that which lies at the base of all material prosperity, *labor*; and that labor must be *free*. It is the truth to say, and it is enough to say that we have tried enforced labor and it has failed. Nor is our experience singular in this regard. It is the world's experience everywhere. I shall not trouble the Convention with hackneyed statistics. Let any man lift up his own eyes and see. At no time and in no place has slave labor sufficed save for the coarsest employments, and for the least measure of real and

general prosperity. The thing to be done then seems so plain a duty as scarcely to admit a moment's hesitancy or doubt.—It is to make labor, white labor free. It is to fling its fetters forever to the winds; and bid it everywhere among our health inspiring mountains and streams, stand proudly up in the strength of its own God-given manhood. You may propound in a thousand seductive forms the old problem, how the two conflicting systems may be made to blend and harmonize and prosper; you will meet for all your pains with but the old answer of failure. You may wooingly invite, as others have done before you, population within your borders; its mighty current will still roar around your very barriers, but it will not enter, and dashing far beyond you, as of old, it will seek, and successfully seek other homes in other lands. Nor is this all or the worst. Let us not deceive ourselves; as it has been under the old State with the old system, so will it be under the new State with the old system. This current of population will not only not replenish you, but as it has been for years past, it will itself be replenished by thousands upon thousands whom you can ill afford to spare making their exode from you. The choice is a simple one and easily made. Let us for the sake of a prejudice, a caprice, a passion it may be, keep our old system, broken, decayed, worthless though we know it to be; and with it we must be content to take as its unfailing appendage, our untamed forests, our untaught youths and our enfeebled and sluggish growth. But could it on the other hand be authoritatively announced that at any reasonable fixed though future time, this incubus was to be shaken off, in the very hour of that announcement, you might safely, multiply the value of your lands by two, and before the winter snows shall have melted from your mountain tops, the feet of the coming multitude would be heard in your streets, and be seen thronging on your highways; and this young giant here in the West, delivered at last from the toils that have bound him would feel a new energy in every limb, and a fresh thrill of life in every vein.

But we are told that from causes now at work, the old system is destined to soon pass away from the new State in any event, and that, therefore, we need take no action concerning it here. If this be the fact why not have it "so nominated in the bond?" That it should be so written down, if true, is but

simple justice to all parties; it is but justice to our own people—both to those who do not desire, and to those who do desire the extinction of our present system, that they each in their respective relations to it, may know how to adjust themselves to the new order of things; it is but justice to those whose coming among us, I think we all agree, is well nigh indispensable to the attainment of that prosperity we all desire. That these people have ample opportunity for choice in the matter of their location, whether here or elsewhere, does not admit of a doubt. That they will require a certain condition in coming here all past experience proves. Is it reasonable then to expect them to accept as conclusive, the mere verbal declarations of gentlemen touching a future and contingent event, deemed by them so vital? Will they not be apt to press upon you the very pertinent inquiry, if the fact be as stated why not, when you may do so without harm to the just rights of any one, put it in the "bond?"

But is it so certain that the expectations of gentlemen will be realized without a provision to that end? It is a well known fact, that a majority at least of the delegates framing the Federal Constitution, believed that after the cessation of the African slave trade, slavery itself would soon become extinct in this country. As indicative of this, it is remarkable that the word slave does not once occur in that instrument; and in the passages where obvious reference is had to persons in such a condition, other and more general terms are employed—a fact, as Mr. Madison tells us, that was not without design. But has it passed away? Sir, look around you for the answer. Our history in this respect shows, as does the world's history, that this system is exceedingly tenacious of life. It dies hard. While it has disappeared from a great many of the States, in others at the beginning of this war it was stronger than ever, and in no State has it, I think, become extinct otherwise than by specific enactment. In the States of Pennsylvania, New York, New Jersey, and others, it is certain that it was thus terminated. I should be most happy to believe, as gentlemen flatter themselves, that this system among us, would gradually and gracefully give way without any action here. But such is not its history elsewhere. A lust of power is its peculiar besetment. It has virtually controlled the councils of this nation almost from the beginning. For forty years with a population, a part

at least of the time, two to one against it, it has made no demand, and claimed no exemption that it did not obtain. In our own State the like order of things has prevailed. It demanded in the matter of representation that one man in the East should be equal to two in the free West. It was done. The West bowed its head and received the yoke, and has worn it even to this day. It demanded your money to build its highways; it prohibited you from building yours with your own. It demanded enormous expenditures for its defence against imaginary dangers. Votes from the free West were all too willing to accord them. And now gentlemen tell us that there will be but eight per cent. of this element in the new State. Sir, the whole past proves that it will rule you, if it were but the half of it.

And what after all has prompted the almost unanimous and life long wish of our people for a new State in West Virginia. It cannot be the debt of the State, for this feeling began before the debt had acquired any great magnitude; and much as it had grown before this war, you propose to pay an equitable share of it. It cannot be the intervening of a mere mountain range, for precisely the same range divides but does not alienate the east and west portions of our neighboring State of Pennsylvania.—The true answer is to be found in the wish of the people, not always expressed perhaps, but none the less real to escape from the utterly selfish domination of this system. What will you have gained in the new State if you have but effected an exchange of masters? And let it be borne in mind that this system is firmly rooted in many portions of our proposed territory, and should you wipe out every syllable on the subject from the new Constitution when adopted by the people, even in that form this system will still be as thoroughly protected here by law as it is in Louisiana. Another point should not be overlooked. When this rebellion is crushed out cotton will hardly remain the king that he has heretofore so proudly boasted himself to be.—Our new State will contain large tracts of unoccupied land with light taxes thereon. Is it at all improbable that a certain species of property in the region east of us, that has hitherto migrated mostly southward, will after the lapse of a short time come this way; thus continuing and strengthening its power among us, indefinitely. But however this may be, the question still recurs

as that which will be pressed by thousands of practically interested inquirers, what is to be the status of labor in the new State? I insist sir, that the question is fundamental and vital. Without labor it matters but little what kind of a Constitution you make here; or indeed whether you make any at all or not. Will you not speak the word that shall ennoble it? Will you not, now that you may, forever wipe from the brow of your own toiling white fellow citizens, the brand this system has placed there? Will you while you enact a clearly defined principle touching every other interest, pronounce no policy in regard to that which lies at the bottom of them all? Will you under the influence of some fatal repulsion on the one hand, or attraction on the other, fix your attention chiefly on some remote, and minute and immaterial appendage to the building, quite indifferent as to how secure or how false the foundation may be!

But it is said that even if the new Constitution is silent upon this question, the Legislature will have full control over it. They certainly will have such control if the Constitution, in terms, gives it to them. But waiving the inquiry whether a question of doubt as to this power might hereafter arise, should it not be formally inserted in the Constitution, why should the Legislature—wise and patriotic though that body is and will be—be expected to act in the direction in which we decline to move? There is not the shadow of a doubt touching the entire competency of this body in reference to this question; Why devolve upon others responsibilities which we decline to meet?

But granting that our system of labor may at some time in the distant future be changed, by whatever agency, why postpone to an indefinite future, that which we may secure for our own times? I have a very great regard for those imaginary, and I hope highly respectable personages, my great grandchildren, and a very high respect for distant generations; with the liveliest interest in their welfare, I wish them, with all my heart, a good time generally. But I must be excused in saying that I have a still warmer feeling for my own children, and for the people of the present times. But why not do for the present that which will so surely enhance the happiness of both the present and the future? Why require our young State, just entering upon the race for prosperity, to bear one moment longer than is necessary, a burden that has enfeebled older and otherwise powerful communities?

But it is said that the present is a very inauspicious time to move in this matter. By the way, there has seldom been a right time for doing anything on one side of this labor question, in this State; there was always an abundance of time for doing more than was asked for on the other. In so far as this suggestion of delay is prompted by deference to the supposed wishes of the rebel States, it will excite, I judge, in the people of West Virginia, any other feeling rather than that of acquiescence. The doings of those States have forced us to assume our present attitude for our self-preservation. Is it not asking a good deal too much, that that very interest as it elsewhere exists, having plunged us and our people into this sea of troubles, we shall not now be permitted to save ourselves in our own way, without still consulting it? Do the people of West Virginia really belong to the State of South Carolina, or do they belong only to God, their country and themselves?

But objection is made to any action here on another, and I frankly say, much more plausible ground. If I understand it, it is this: that our Union brethren of the border States will be embarrassed and hindered in their heroic struggles with rebellion, by any such action by this body as is now proposed. The coincidence is not a little curious, that precisely the same objection, and almost in the very words in which we now hear it, was urged in the Legislature of Pennsylvania, more than eighty years ago, during the passage of her famous act of emancipation, drawn up, I believe, by Dr. Franklin; but the objection was urged then, as I hope it will be now, without effect. Let it be observed that this occurrence took place in 1780, right in the midst of our revolutionary struggle. This is the historian's statement of the matter:—"Moderate as it was,"—let me say in passing that what is here proposed is much more moderate—"this act did not pass without a good deal of opposition. Several members of Assembly entered a protest against it, acknowledging indeed the humanity and justice of manumitting slaves in time of peace, but denouncing the present act as 'imprudent' and 'premature' and likely to have, by way of example, a most dangerous effect on the Southern States, whither the seat of war seemed about to be transferred." But as already stated, the objection was overruled; and while we all know something of the beneficial results of that act, I have yet to hear that it worked any injury to the Southern States or any body else.

Sir, from my soul I honor the Union men of Kentucky, Tennessee, and of any other section similarly circumstanced; and living or dying I am one with them in this great struggle. But how can the proposed action here hinder them? Other States have gone through this very process. Is it an event so very alarming or unlooked for that West Virginia, should it become a State at all, should become a Free State? Has not everybody that was not wilfully blind, anticipated it for years? The mere occurrence of the event then by itself, can work no such injury. But we will be told that this measure will be justly looked upon elsewhere as a General Government policy, as its armies advance Southward; and the Union men on the border will be hindered thereby in their efforts to sustain that Government. I think I state the point fairly. There would be some force in this conclusion, were it not for a fatal defect in the premise; *it is not true*. The General Government did recognize, as in duty bound, the reorganized and restored Government of the State of Virginia. It has to this day done nothing beyond that. This Convention is in no sense a General Government organ—it is in no sense a war measure; much less is any one act of this body either the one or the other. The General Government has wisely abstained, so far as I know, from any suggestions to or interference with the deliberations of this body; and speaking only from what is in the reach of every member here, I state only the plain truth when I say that so far from our being convened here under the especial patronage of the Federal authorities, it remains to be seen whether we are here even with their approval.—But we are here at the instance and in the behalf of the people of the proposed new State of West Virginia, and of them alone; to form and prepare a State Constitution for them and for nobody else. And this brings me back to the inquiry which I insist is the only legitimate one in this discussion. What do the interests of the people of West Virginia require at our hands? We are not here to frame a Constitution for either the people of Kentucky or Ohio.—If they prefer their present ones they will keep them, if they want new ones they are abundantly able to make them. And while they attend to their own affairs in their own way, I have yet to learn that they have any thought or desire of offensively interfering with ours. We need not hope to escape the criticisms of our

neighbors upon our work here—friendly or unfriendly as the case may be.—It is a privilege we take with all the world; and it were unreasonable to expect that it will not be returned.—But be assured, sir, that the only effectual way to disarm it of injury should it come, is by the infusion of a manly self-reliance into our labors.—And I beseech gentlemen, to put away from them at once and forever the delusion, for it is nothing else, that they can successfully ignore this question of the status of labor in the new State.—It will not down at your bidding.—You may postpone it now; but in doing so you only leave it to come up again and again under new and more aggravated forms; the one ever present and ever restless element of irritation and disturbance among us.

I ask, in conclusion, to be indulged in a personal remark. Having been chosen a member of this body, by the generous suffrages of the people of Ohio County, not only without my consent, but entirely without my knowledge, in my absence from home, in entering upon the discharge of duties here which I saw not well how to decline, I have not reached the conclusion to which I have come, without much anxious thought. Almost my only participation hitherto in the discussions of this slavery question, has been by way of protesting to the extent of my humble ability, not only against the interference by strangers with any legal rights of the institution here, but the utter inexpediency of some of those far distant discussions of it, in which some communities have been too prone to indulge. I should, under like circumstances, pursue the same course again. At the same time, I have never concealed my steadfast conviction, either as to the character of the system, or as to the duty of those who have legally and properly to do with it as a civil and domestic institution. It is here that for the first time in my life, I am charged, along with others, with any such direct concern. The direction in which my duty points me, seems plainly indicated.

Another remark. The people of West Virginia have never yet demanded of me by way of apology, on which bank of the river that washes their shore it pleased God that I should for the first time open my eyes on the light. I shall not to-day either bemean them or debase myself, by tendering such apology. They invited me into their service in the days of my early manhood; and the very labors of the long years since that time, as

well as the memory of a thousand kindnesses received at their hands, have consecrated in my own regard, the citizenship among them which the Constitution of our common country so amply secures. My past and my present are here; and if Heaven please, my future will be here, to enjoy or suffer with this people whatever in His providence may yet be in store for us. It has been as a fellow observer, and I will add, as a fellow sufferer with them, that my judgment of the system of slavery among us has been formed. We have seen it seeking to inaugurate, and in many instances, all too successfully, a reign of terror in times of profound peace, of which Austria might be ashamed. We have seen it year by year driving out from our genial climate, and fruitful soil, and exhaustless natural resources, some of the men of the very best energy, talent, and skill among our population. We have seen also in times of peace, the liberty of speech taken away—the freedom of the press abolished—and the willing minions of this system in hunting down their victims, spare from degradation and insult, neither the young nor the gray haired veteran of seventy winters, whose every thought was as free from offence against society, as is that of the infant of days. And last but not least, we have seen its own chosen and favored interpreters, standing in the very sanctuaries of our political Zion, throughout the land, blaspheming the holy principles of popular liberty to which the very places where they stood had been consecrated, by dooming my child and every man's child that must live by labor to a virtual and helpless slavery. And as the natural outgrowth of all this, we have seen this huge barbaric raid against popular rights, and against the world's last hope. It has been the merit of other attempted revolutions that their motive at least was a reaching upward and forward after liberty; it is the infamy of this that it is a reaching backward and downward after despotism. It would put back the hand on the world's dial a thousand years. It would put out the world's light in the darkness of utter and dreary despair. Surely, to the extent that we have suffered from these ills, our very manhood calls upon us to guard by all reasonable preventives, against their return.

CHAPTER XVII.

WEST VIRGINIA AT THE BAR OF THE SENATE.

SENATOR WILLEY PRESENTS ITS CASE.

May 29, 1862, in the United States Senate, Mr. Willey presented the memorial of the Virginia legislature, with accompanying papers, praying that West Virginia might be admitted as a State into the Union. Mr. Willey proceeded to address the Senate in recital of the events which had led up to this application, and of the grounds in law and equity on which it was founded. Following due reference to the Richmond Convention and its lawless acts, he went over the movements in Northwestern Virginia, from the Convention in May, 1861, to that which had framed this constitution, reading official documents from time to time to show completely the regularity and legality of every step which had led up to this application. He also addressed himself to the causes which had impelled the Northwest to seek this separation. They were not temporary in their nature; had not sprung up as the result of the secession movement, but were deep-seated and of long standing. They had grown out of natural differences, physical and geographical between the

sections, and of social and political differences due to different institutions, policies and ideas operating through more than half a century.

When the Senator had concluded his presentation of the case of West Virginia, he expressed a preference that the papers be referred to a special committee. Mr. Sumner thought they should take the usual direction given to applications of this kind and go to the Committee on Territories. Mr. Willey repeated his preference, but as Mr. Sumner was persistent, did not press it.

SENATOR CARLILE PREPARES A SURPRISE.

June 23d, the Committee on Territories, of which Mr. Carlile was a member and Mr. Wade of Ohio chairman, reported a bill for the admission of West Virginia. It would be an astonishing measure if it could be supposed the purpose of him who drew it was to promote the admission of the State. The fact was afterwards developed that the bill had been drawn by Mr. Carlile, who had put himself forward in the committee, as he had in Western Virginia, as the special champion of the New State; and the amazing thing was that Mr. Carlile should have drawn such a bill. The committee having no reason to doubt his good faith and recognizing his familiarity with and authoritative relation to the subject, allowed him to shape the measure in his own way. But the people of West Virginia, knowing nothing of the change that had come over their Senator, chosen with such special honors and in unbounded confidence, were amazed when they learned the character of the measure which had emanated from the committee.

It provided, in brief, that before the State should be admitted it should include the following counties in addition to those embraced in the constitution submitted: Clark, Frederick, Warren, Page, Shenandoah, Rockingham, Augusta, Highland, Bath, Rockbridge, Botetourt, Craig and Allegheny. The bill required that another convention should be assembled when the Governor of Virginia might direct "and as soon as may be after the people in the several counties may be relieved from the presence of armed insurgents;" and that when a convention of delegates from all these counties—at that time alternately swept by contending armies—should have framed another constitution, it should be submitted and all the formalities gone over again. Incorporated in the bill was this provision for emancipation: "From and after the 4th day of July, 1863, the children of all slaves born within the limits of the proposed State shall be free." As if a convention embracing all these Valley counties, with their large slave population and strong pro-slavery feeling, would ever put such a provision into a constitution! Mr. Carlile himself was strongly pro-slavery in feeling; but evidently this provision was demanded by other members of the committee, and Mr. Carlile knew it made no difference what went into the bill, designed as it was only to block admission.

CARLILE VS. CARLILE.

The passage of such a measure by Congress, friends and enemies alike, recognized as the defeat of a new State. Mr. Carlile himself had declared in the August Convention, when the opponents of division were pushing this

same scheme for taking in the counties of the far Southwest and of the Valley—which Brown of Kanawha pressed again in the Constitutional Convention—that it would be fatal to their hopes for separation. “You never can and never will,” he said, “get with you into a separate State the Valley and the Southwest unless you conquer the people there and force them into your State against their consent and interests.” Again, in a letter to Thomas Elder, of Fairview, Hancock County, Va., written August 27, 1861, and published in the newspapers, Mr. Carlile said: “We could no more connect with us the Southwest and Valley than we can the Piedmont and Tidewater districts. Why? Because our interests are dissimilar and our markets lie in different directions; and by connecting them with us we would defeat the very object of a separation.” Mr. Carlile, in drawing the bill he did, to send back the application and force the inclusion of the Valley and Southern counties, was convicted by his own unanswerable words of a purpose to defeat entirely the proposed division of the State.

SENATOR WILLEY SERENE.

While Carlile was preparing this deadly potion, what was Senator Willey about? His silence and apparent indifference to what was going forward has never been satisfactorily explained. It is true the matter had not been put into his hands. He may have felt he had been treated with scant courtesy when the memorial presented by him was sent to a committee of which he was not a member, and it would be pardonable if his pride had been some-

what piqued. But if there was offence, it was not the people of West Virginia who had given cause for it; and his first duty was to them. It is not to be assumed he did not know what his colleague was doing. As a friend of the applicant, would he not be on the lookout; have ascertained from other members of the committee, if not from Mr. Carlile, what was going forward? Mr. Willey could not have been ignorant of what was being done; yet both the Senate committee and the West Virginia public were wholly ignorant of the mischief Mr. Carlile was working until the bill was brought into the Senate.

Then committees and delegations hurried to Washington in alarm to ask Chairman Wade what he meant by cutting the throat of the New State in this ruthless way? They proceeded to enlighten Mr. Wade as to the true state of the case and to wake up the Western Virginia members of the House. Mr. Wade advised them to see their other Senator—evidently himself surprised at Mr. Willey's attitude of indifference. Granville Parker, in his "Formation," goes into the history of the struggle at Washington, with the treachery of one senator and the cold indifference, at least, of the other, to get the new State into a proper attitude before Congress, and he is severe upon Mr. Willey. Mr. Parker complains first that Mr. Willey in his address presenting the memorial to the Senate ignored the question of emancipation and made no allusion to the informal vote on it which had so plainly indicated the anti-slavery attitude of the people in the Northwest. Mr. Parker with others called on Senator Wade, who advised them to see Mr. Willey. They did so. Mr. Parker says:

His manner was grave and reticent, but he said, I think, he had prepared an amendment he intended to offer when the bill came up again. Mr. Parker adds that they called on the Virginia representatives, Blair, Brown and Whaley who "were more communicative but had faint hopes of success, Whaley having said, as we afterwards learned, that the measure "would not get a vote in the lower house." That day came the convention commissioners—Caldwell, Paxton and Hall. Van Winkle had come with them as far as Washington but went on to New York. Hall left after a day or two. "The rest being in dead earnest for a new State aroused Mr. Willey and the other Virginia representatives to a comprehension of the situation and what our people were expecting of them. * * * The friends had resuscitated and energized the measure, secured the attention of Congress and imparted to the measure something of the importance it merited. Heroic Ben Wade had become thoroughly aroused. Senator Willey had partially emerged from his shell and began to realize that the measure had friends as well as enemies—who it would seem had hitherto monopolized his attention as well as sympathy. At the head of the latter was Mr. Carlile, in disguise but only slightly suspected by his fellows on the territorial committee."

When it came to the debate on Trumbull's motion to postpone the bill, after it had been amended with Brown's substitute, Parker says:

Mr. Willey in his reply (to Carlile) seemed to have at last caught up with the ideas and sentiments the loyal people entertained on the subject of gradual emancipation—ideas and sentiments they had been for nearly a year expressing in all forms and sought to have the convention of which he was a member express in the constitution, but were debarred by himself and confederates.

NO SLAVERY FOR SUMNER.

To go back to the proceedings in the Senate, Mr. Wade, after enlightenment, called up the West Virginia bill June 26th. Mr. Sumner said the provision making free only

children born after July 4, 1863, proposed to recognize slavery during the present generation. "Short as life may be," he said, "it is too long for slavery. If this condition is to be adopted and the bill becomes a law a new slave State will take its place in the Union. It may be but a few slaves only; but nevertheless a new slave State. That is enough. We all know that it takes very little slavery to make a slave State with all the virus of slavery. Now, by my vote no new State shall ever come into this Union and send senators into this body with this virus." He moved to strike out the provision and substitute the Jeffersonian ordinance: "Within the limits of said State there shall be neither slavery nor involuntary servitude otherwise than in punishment of crime, whereof the party shall have been duly convicted." The bill going over, Mr. Sumner's motion was afterwards voted down.

ANXIETY IN WEST VIRGINIA.

July 12th, when the Senate was discussing the question of adjournment, Mr. Wade pressed the need of action on the West Virginia bill. He said:

I never saw any question that excited a whole community with the intensity that this question does that people. Their principal men have been here—and are here now—beseeching us to act on this subject. The Governor and all the principal men of the State whom I have seen—and I have seen many of them—say it is the universal opinion that if left in the hands of their inveterate enemies they will have to abandon their property and homes and seek residence somewhere else.

Mr. Willey, following Mr. Wade, said:

I am in receipt of letters daily from every section of the State which, in addition to the information given by the gentlemen now in this city at their own expense for many days, assure me of the fact that unless relief is extended by giving them a separate State organization they will be compelled to leave all they have of property in the world except what they can take with them and find asylum somewhere else.

Mr. Sumner in the course of some remarks said of this West Virginia question:

Perhaps no question of greater importance has ever been presented to the Senate. It concerns the whole question of slavery; it concerns also the question of States rights; it concerns also the results of this war. Look at it, therefore, in any aspect you please, and it is a great question.

WILLEY OFFERS EMANCIPATION.

July 14th, the bill was called up by Senator Wade, who had meanwhile become well informed as to the precise effect and intent of Mr. Carlile's scheme for sending the constitution back, to be made over by a new convention, to include new territory east of the mountains having a large slave population and at that time ground under the hoof of contending armies.

Mr. Willey offered a substitute conforming to the boundaries defined in the constitution, with this provision in regard to emancipation:

That after the 4th day of July, 1863, the children born of slave mothers within the limits of said State shall be free, and that no law shall be passed by said State by which any citizen of either of the States of this Union shall be excluded from the enjoyment of the privileges and immunities to which such citizen

is entitled under the Constitution of the United States; provided that the convention that ordained the constitution aforesaid, to be reconvened in the manner prescribed in the schedule thereto annexed, shall by a solemn public ordinance declare the assent of the said State to the said fundamental conditions, and shall transmit to the President of the United States on or before the 15th of November, 1862, an authentic copy of said ordinance; upon receipt whereof the President by proclamation shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete.

Mr. Wade moved to amend this by inserting in the proper connection: "That all slaves under twenty-one years of age shall be free when they arrive at the age of twenty-one."

THOUGH NOT "PERSONALLY AGREEABLE."

Mr. Willey's reply to this showed how half-hearted he was in proposing this provision for emancipation. He would have "greatly preferred" that the State be admitted with the constitution exactly as presented, without condition or amendment; but he felt some deference was due to the views of other senators and he had made an advance beyond "what was personally agreeable" to himself in the proposition he had already offered. He hoped Mr. Wade would allow the vote to be taken on it. He suggested the effect of the provision offered by Mr. Wade would be that as most of the slave population was in the counties along the borders of Kentucky and Virginia, these young negroes, as they neared the period of their emancipation, would be "silently transferred across the lines and sold

and shipped off South, thus exchanging the mild form of slavery in West Virginia for the more rigorous form in other slave States."

Mr. Carlile moved to amend Mr. Willey's substitute by the insertion of a provision that ratification by the Convention should not be sufficient, but that the conditions imposed by Congress should be ratified by a vote of the people. On this he made an ingenious demagogic argument which had no weight with those familiar with the situation in West Virginia but which so evidently told on the Senate that, on suggestion from friends in the lobby, Mr. Willey accepted the amendment, declaring at the same time that the Convention was thoroughly representative of the sentiment throughout the State. He added that there was not a loyal man in Northwestern Virginia who was not that day "life and soul" for division. The discussion was continued and so prolonged by Mr. Carlile that Mr. Pomeroy said to him sharply that if he was not in favor of the admission of the State he could not expect others to be; and that if the people of Western Virginia "did not send senators here who are in favor of this measure, they certainly cannot expect to get it through."

WITHDRAWS AND OFFERS THE BROWN BILL.

Mr. Willey withdrew the substitute he had presented and offered in lieu of it a bill which had been prepared by Hon. William G. Brown of the House of Representatives. Mr. Brown's bill provided that "the children of slaves born within the limits of the State after the 4th day of July, 1863, shall be free, and no slave shall be permitted to come into the State for permanent residence."

Mr. Lane of Kansas moved to amend this emancipation provision by adding "that children under ten years of age shall be free at twenty-one, and slaves over ten and under twenty-one shall be free at twenty-five." This amendment was adopted. Mr. Carlile then moved to strike out of the substitute the body of the bill—a test motion. The Senate refused by a vote of 25 to 11, which showed that the friends of admission had won.

TRUMBULL JOINS CARLILE.

Mr. Trumbull declared himself opposed to the admission of the State. He moved to postpone the further consideration of the bill till the first Monday in December. Mr. Carlile said he would vote for that motion. He would never consent to have the organic law of a State framed by the Congress of the United States—meaning he would not consent that Congress should impose conditions. Yet that was just what his own bill proposed; and it went beyond the Brown bill in not only requiring emancipation but compelling the inclusion of a large territory so notoriously at variance with that in the original boundary as to destroy the homogeneity of the State; and it even undertook to prescribe the number and qualifications of delegates.

Carlile's closest friend in the Senate was Senator Waldo P. Johnson of Missouri, nephew of Ex-Gov. Jo. Johnson, of Virginia, who was closely connected by marriage with the Clarksburg Goffs. He and Carlile had long been intimate personal friends. Johnson was on the Southern side of the national issue and left the Senate

about 1864 and went South, returning to Missouri at the close of the war. I have always believed it was his influence which drew Carlile away from the straight path which had led him into the Senate. From this bosom friend Mr. Carlile might have learned that Missouri afforded a most striking instance of the exercise of "Congressional dictation" to a State seeking admission.

There was no lack of precedents to justify Congress in making conditions, if precedents had been needed. But the very discretion vested in Congress by the Constitution to consent to the admission of a State or refuse it includes the right to make any conditions they may deem necessary to make the application acceptable. Perhaps the closest parallel to the West Virginia case was Missouri, which went up to Congress with a constitution that forbade free negroes entering the State—just as West Virginia now proposed. Congress refused to admit Missouri until this prohibition had been taken out. The Missouri Convention took it out, and after a year's delay President Monroe, by proclamation, declared the admission complete, precisely as President Lincoln did in the case of West Virginia.

WILLEY GROWS EMPHATIC.

Mr. Willey, following Mr. Carlile, said his colleague in the position he had taken misrepresented three-fourths of the loyal people of the State, and the objection interposed by him was both calculated and "designed to thwart" the whole movement.

WADE UNMASKS CARLILE.

Chairman Wade explained how the committee had been imposed upon by Mr. Carlile in his character of pretended friend of the New State, and how zealous he had been in the earlier stages in its behalf. Said Senator Wade:

That there is to be a separation is a foregone conclusion, and no man has urged it upon the committee more strongly than the Senator who now opposes immediate action. He, of all men in the committee, is the man who penned all these bills and drew them up. He is the man who has investigated all the precedents to see how far you could go in this direction. It was to his lucid mind we were indebted for the fact that there were no legal or constitutional barriers in the way of this proposition. He submitted to the labor; he did it cheerfully; he did it backed by the best men of his State and section—and what did they say? They said “We cannot live any longer with Eastern Virginia. Independent of the great controversy that has sprung up in the Nation, we have a controversy of old standing that renders our connection with old Virginia absolutely impossible.” He is the gentleman who impressed their opinions upon the committee as strongly as anybody else; and what change has come over the spirit of his dream I know not. His conversion is greater than that of St. Paul. He has persuaded us that the measure is right; he has appeared side by side with his able Governor who urged this upon us as a measure vital to the interests of the State he represents. All at once, after persuading us to bring the question before Congress, and when we expected his powerful aid to help push it through, we are brought up standing by his powerful opposition.

PASSED BY THE SENATE.

The Senate voted down Mr. Trumbull's motion to postpone, and passed the bill by a vote of 23 to 17.

POSTPONED IN THE HOUSE.

In the House of Representatives two days later the Senate bill for the admission of West Virginia came up and was read the first and second time, when Mr. Segar, a Virginia member from the Fortress Monroe district, objected to its third reading. He moved to lay on the table, but the House refused by 70 to 42. Roscoe Conkling moved the postponement of the bill to the second Tuesday in December, and it was agreed to by a vote of 63 to 52.

CHAPTER XVIII.

THE LEGISLATURE REPUDIATES SENATOR CARLILE.

December 9, 1862, the General Assembly of Virginia, at Wheeling, passed a joint resolution reciting "that feeling the greatest anxiety and interest in the successful issue of the movement for a new State in Western Virginia, we earnestly request the House of Representatives of the United States to take up and pass without alteration or amendment the bill which passed the Senate of the United States on the 14th of July last" for the admission of West Virginia as a State into the Union. This resolution was telegraphed the same evening.

Three days later, the Assembly adopted a joint resolution reciting that they had by resolution at the session in July, 1862, "instructed the Senators of this State in Congress to sustain the Federal government in its efforts to maintain the supremacy of the laws and preserve the integrity of the Union, and by a legislative act of the 13th of May, 1862, requested them to use their endeavors to obtain the consent of Congress to the admission of West Virginia into the Union," and Senator Carlile having "failed to sustain the legitimate efforts of the Federal government to suppress the insurrection and having opposed by his votes in the Senate measures absolutely necessary to the preservation of the Union and the enforcement

of the laws, and having also by his speeches and votes in the Senate opposed the bill for the admission of West Virginia into the Union," it was resolved that he be "respectfully requested to resign his seat." These resolutions the Governor was requested to forward to the senators and representatives in Congress with request to present the same in each House.

BURNS HIS BRIDGES.

This was the same legislature which had chosen Mr. Carlile the year before with complete unanimity. Their request for his resignation showed how entirely he had abandoned the attitude of loyalist and champion of a new State, which had won him the distinction of an unopposed election. He did not resign—a fact which showed still more plainly that he had burned the bridges between himself and the people of West Virginia.

CHAPTER XIX.

WEST VIRGINIA RUNS THE GAUNTLET OF THE HOUSE.

CONWAY, OF KANSAS, DELIVERS FIRST BLOW.

December 9th, 1862, the Senate bill for the admission of West Virginia was taken up as the order of the day in the House of Representatives. Hon. John A. Bingham, of Ohio, had charge of the bill and allotted the time for debate. The discussion ran through part of two days, but we will deal with it as if continuous.

"A SPONTANEOUS PRODUCTION."

Mr. Conway, of Kansas, was first to take the floor. He did not recognize the proposed division of Virginia as having received the assent of the Legislature which the Constitution requires. He referred to the reorganized State government as "a spontaneous production of the soil. A number of individuals met at Wheeling and, without any legal authority whatever, arranged a plan for a government." True, the President and the Senate had recognized this as the actual State of Virginia, but this was "of no binding force" on the House. He stated the argument in favor of the validity of this government as being: "that the original State of Virginia fell into treason and became only a void and caused a vacuum which could only

be filled in this way;" and then proceeded to argue against that proposition. He held that if the whole personnel abandoned its functions, the State organization falls and the sovereignty necessarily accrues to the United States.

VIRGINIA REVERTS TO TERRITORY. .

The country assumes the condition of ordinary government territory. A State without a government is an impossibility. A State is that political organization of a community which invests it with a public faculty. "Where there is no government there is no State, but an incoherent mass." * * * "The vacation of all the offices of a State * * * by any event not provided for in the Constitution, by which it would be left without agents to carry it on, would of course necessitate a failure. But this would be the end of the State. No man or set of men of their own will would be authorized to assume its functions. The territory would belong to the United States, as would any other territory which might fall into its possession through conquest, discovery or other cause." In the case of the Dorr rebellion in Rhode Island, in 1842, the constitution of the State was obnoxious to the people and they adopted another and tried to set up another government. The President sent the military into Rhode Island and put down the revolt, and Dorr was sent to the penitentiary.

BROWN CLAIMS CONSTITUTIONAL REGULARITY.

Mr. Brown, of (West) Virginia, replied to Mr. Conway. He first quoted Section 3 of Article IV of the Constitution of the United States providing how new States

may be admitted. He referred to the admission of the territory of Kentucky, framed out of the territory of Virginia, as a precedent showing it was competent for Congress to admit a State formed within the jurisdiction of another State. He cited the fact that the Senate by the admission of the Senators had recognized the Wheeling Legislature as the Legislature of Virginia, and the House had done the same by the admission of members elected under writs issued by Governor Peirpoint. The Executive department of the United States government had recognized the Wheeling government by the payment to it of \$41,000 held in the treasury as Virginia's share of the proceeds of public land sales. A State court in Ohio had recently recognized the Wheeling government as the State of Virginia, which had applied for a mandamus to compel a railroad company to assign \$200,000 of bonds for the benefit of the State of Virginia. Mr. Brown then turned to the question of the original powers of the people. The principle was laid down in the Declaration of Independence that the legislative powers of the people cannot be annihilated; "that when the functionaries to whom they are entrusted become incapable of exercising them, they revert to the people, who have the right to exercise them in their primitive and original capacity." Referring to the turning over of Virginia to the Southern Confederacy, he said the people in the loyal counties of Western Virginia thus deprived of government, held county meetings and appointed delegates who met in Wheeling and provided for elections to fill vacancies in the Legislature caused by the withdrawal of disloyal representatives. These elections were held throughout Virginia wherever

the people chose to hold them. He denied the power of a State to secede. Although Virginia could not commit treason, her functionaries might, and leave the legislative and executive power with the people to whom they originally and primitively belonged. The revenue in the territory covered by West Virginia, as fixed by the auditor of Virginia in 1859, was \$620,061. The people of Western Virginia, said Mr. Brown, were on the point of revolution in 1829-30, when Eastern Virginia yielded a small pittance of the power to them. "In 1850 we were again upon the point of revolution because we were denied our proper representation in the Legislature. They yielded to us our proper representation in the House but denied it to us in the Senate. As an equivalent for this concession, they retained the provision that the Legislature should not tax negroes under twelve years old. The remaining portion of the negro population was only taxed as property at \$300 while every article of our property was taxed to its full value. We protested against it; but we were powerless because they had retained in the Legislature an undue proportion of the representative power."

COLFAX SECONDS HIM.

Mr. Colfax following, referred to the several departments of the government which had recognized the Restored State government at Wheeling. The War Department had recognized Governor Peirpoint's commissions to the officers of the volunteer regiments of Virginia as commissions emanating from rightful and legal authority; the Secretary of the Interior in giving notice of the congressional apportionment under the census of 1860, had

done the same. The House of Representatives by the admission of Mr. Blair from the Parkersburg district and Mr. Segar from the district around Fortress Monroe, elected under writs issued by Governor Peirpoint, had done the same.

Mr. Olin denied the validity of the position taken by Mr. Conway, that the area of a seceded State—it being denied that secession could take place—could be thrown into a territory and governed by Congress the same as other territories.

CONWAY CLAIMS BELLIGERENT RIGHTS FOR CONFEDERACY.

Mr. Conway, in subsequent explanation, said that while secession was unlawful, a State could be released from its obligation to the Federal government by revolution. * * * "These rebellious States have acquired a belligerent character which gives them international status, which is entirely incompatible with the Federal status. They are beyond the Federal system. These States stand where they may be regarded by us as a foreign power and where we can make war upon them as on a foreign power." He maintained, therefore, that Western Virginia had fallen into our possession by conquest, and it was within our power to govern that people as a military dependency. He regretted they did not institute a territorial government there in the beginning of the war.

PEOPLE BETTER THAN POLITICIANS IN WEST VIRGINIA.

Mr. Hutchins, referring to the question of slavery in the new State and quoting the gradual emancipation clause in the bill, remarked that "the people were better than

the politicians in West Virginia;" for though the Convention had failed to submit to the people the question whether they would abolish slavery, the people themselves, without being invited to do so and without any form of law to that effect, had by a large majority voted against slavery.

Mr. Crittenden argued that the government at Wheeling was not the State of Virginia.

Mr. Edwards said there was no legal Legislature or government in Virginia after that government put itself in the attitude of rebellion against the government of the United States. A Convention of the whole people of Virginia was called at Wheeling; which Convention framed a government for the State; and the legislative branch of the government thus established had given its consent to the division.

Horace Maynard spoke at length in favor of admission and in defense of the legality of the proceedings that had led up to this application.

THAD. STEVENS' UNIQUE POSITION.

Thaddeus Stevens announced his purpose to vote for the bill; but he was not "deluded," he said, "by the idea that we are admitting this State in pursuance of the Constitution of the United States." It was "a mockery" to say that the Legislature of Virginia had consented. He regarded the secession of the State as treason on the part of individuals; but so far as the municipality or corporation was concerned, it was a valid act and governed the State. "The majority of the people of Virginia was the

State of Virginia, although individuals had committed treason." He held, therefore, that the State of Virginia had never given its consent; but they might admit West Virginia "not by virtue of any provision of the Constitution of the United States but under our absolute power which the laws of war give us in the circumstances in which we are placed." He should vote for the bill on that theory and that alone. He declared the Union never could be restored as it was; with his consent it never should be restored with slavery to be protected by it. He was in favor of admitting West Virginia because she came with a provision which would make her a free State, and because he had confidence in the people of West Virginia and in the worth of the men sent here to represent them.

BINGHAM'S MASTERLY PRESENTATION.

Mr. Bingham closed the debate. He began by saying that if the theory of those who, like Conway and Stevens, held that Virginia had simply been reduced to the condition of a territory was good, all constitutional objection to the admission of West Virginia was swept away. For there were too many precedents to claim that a territory which had framed its own constitution could not be admitted without an enabling act. He referred particularly to Michigan and Tennessee.

He next noticed the position taken by Segar, of (East) Virginia, who had denied that the reorganized government at Wheeling was constitutional or legal. Yet Segar had been chosen to his seat in this House at an election held

under a writ issued by Governor Peirpoint; and in impeaching Peirpoint's authority, he was simply impeaching his own title to a seat in this body.

On the question of the rightfulness of that reorganized government, he said those people in a State who organize treason against the United States are not any part of the State. The people of a State have a right to local government. It is essential to their existence, and they can have it only under State authority. It cannot be afforded them by the Federal government. The minority of those people could not by the treason of a majority be stripped of their right to protection within the State by State laws. If the majority in Virginia had turned rebel, the State was in the loyal minority; who have the right to administer the laws and maintain the authority of the State government; and to that end to elect a State Legislature and Executive by which they may call upon the Federal government for the protection "against domestic violence" guaranteed by the Constitution. In such event, the majority being rebels must submit to the law of the minority if enforced by the power of the National government. This was no new idea. In confirmation, he referred to a letter addressed by Mr. Madison to the American people, wherein he discussed the fourth section of Article IV of the Constitution which provides for that guaranty. Mr. Madison foretold that it might come to pass that the majority of the people of a State might conspire together to sweep away the rights of the minority as citizens of the United States. In that paper Mr. Madison says:

Why may not illicit combinations for purposes of violence be formed as well by a majority of a State as by a majority of a

county or district of the same State? And if the authority of the State ought in the latter case to protect the local magistracy, ought not the Federal Government in the former to support the State authority?

This was precisely the condition of things in Virginia. The majority had become traitors. The representatives whom the people had elected, who were required by the existing constitution of Virginia as well as by the Federal Constitution to take an oath to support the Constitution of the United States, when they foreswore themselves and entered into a deliberate bargain and sale with Vice President Stephens of the Southern Confederacy, surrendered all right to represent any part of the people of Virginia. In this state of things, according to the logic of some gentlemen, the people of Virginia could have no legislation. He appealed to the principle affirmed in the Declaration of Independence that "the legislative powers, incapable of annihilation, have returned to the people at large for their exercise." No matter who turns traitor, the legislative powers are incapable of annihilation. The power remained with the loyal people of Virginia to call a convention and reinstate their government: The members of the Legislature elected on the 23d of May adhering to the United States and meeting at Wheeling, were the Legislature of Virginia. Those of them who took the road to Richmond never became a part of the Legislature of Virginia at all.

The ultimate power, Mr. Bingham said, to decide between the two bodies which was the rightful Legislature was in the Congress of the United States; and it was competent for Congress to say that not a man of those who

refused to take the oath prescribed by the Federal Constitution and who did take the oath of that treasonable conspiracy at Richmond, ever became a member of the Legislature of the State of Virginia. He referred to the case of *Luther vs. Borden*, the Rhode Island case of 1842. Rhode Island had been in revolution. Two opposing governments had been in operation. Who should decide which was the lawful government? The case finally went to the Supreme Court of the United States, and Chief Justice Taney in delivering the opinion of the court said that it was a political question and that the decision of it by the Federal Executive under the authority of Congress was binding on the judiciary. Taney also said the power to decide which of two governments in a State is the true government is in Congress. If Congress should now decide that the people of Western Virginia had no right to maintain the government they had established, under which this application had been made for the admission of a new State, all that remained would be for the Executive to follow their example and leave that people to their fate. Such a decision by Congress would bind the judiciary to hold the legislation of that people for the protection of their lives and property void. It would bind the judiciary of the State itself and everybody appointed by the Executive to execute the laws within that State; and the effect would be to say that inasmuch as the majority have taken up arms against the government of the United States and of Virginia, the loyal minority are without the protection of local State law; that their representatives duly elected and qualified are not and cannot be called the Legislature of Virginia.

Mr. Bingham thought he had said enough to show that the Legislature which assembled at Wheeling was the Legislature of the State of Virginia; and that it remained with this body alone to determine whether they should be recognized as such. "If you affirm it is," he said, "there is no appeal from your decision. I am ready to affirm it, and upon the distinct ground that I do recognize, in the language of Mr. Madison, even the right of a minority in a revolted State to be protected under the Federal Constitution by both Federal and State law."

Discussing the question of expediency, Mr. Bingham said:

I fear that the chief objection at last to the organization of this New State and its admission into the Union, however gentlemen may disguise their thoughts and shrink from a manly avowal of them, is not that there is any constitutional objection to it—that there is anything inexpedient in it when you take into consideration the whole interests of the whole people of the Republic—but simply that it is an inroad, which will become permanent and enduring if you pass this bill, into that ancient Bastille of slavery, out of which has come this wild, horrid conflict of arms which stains this distracted land of ours this day with the blood of our children.

He trusted the bill would pass, because he had an abiding confidence in the people who were asking for this admission that they would not only ratify the condition for gradual emancipation, but would speedily avail themselves in their legislation of the opportunity presented to them by the President's proclamation to inaugurate immediate or ultimate emancipation for every slave within the State.

If Congress refused to pass the bill and Virginia attempted by their present Legislature to adopt the emancipation policy of the President, the argument would be thrown back into their faces that by the decision of Congress it was not the Legislature of Virginia and had no power to consent to the proclamation of the President.

The hour for closing debate having arrived, the bill was read the third time and passed by a vote of 96 to 55.

CHAPTER XX.

IN THE HANDS OF THE PRESIDENT.

MR. LINCOLN ADVISES WITH CABINET.

The bill for the admission of West Virginia went to the President. December 23d he asked his Cabinet advisers for written opinions on two questions regarding the act of admission:

First, Is the act constitutional?

Second, Is it expedient?

West Virginia had come to this last door, and all that had been done up to this point would be fruitless unless the President opened it. All the steps required by the constitutional prescription had been taken with careful conformity; but all this went for nothing if the President should in the end refuse his approval; for it would have been hopeless to attempt to carry the measure through the two houses again against his judgment.

PEIRPOINT SENDS A MESSAGE.

Before we come to the Cabinet opinions and Mr. Lincoln's own opinion, let us note a statement made by Governor Peirpoint touching his part in contributing to the reasons which decided the President to approve the act.

About the last days of December, James W. Paxton, Edward M. Norton and A. W. Campbell went to Governor Peirpoint at his office in the Wheeling Custom House to confer with him on the anxious situation. It was agreed that the Governor should wire Mr. Lincoln urging him to sign the bill. Mr. Campbell sat down at the table and wrote the message as agreed on. Governor Peirpoint told Mr. Campbell as late as 1897 that Mr. Lincoln had said to him that this message had decided him to sign the bill. The precise wording of a message having such a result would be of unusual interest to West Virginians as a historical fact. All four of the men who shared in sending it are dead, and it seems certain no copy was kept. A letter to President McKinley's secretary, to ask if it would be possible to find the telegram in the files of the Executive office, brought courteous reply from Mr. Cortelyou that he was informed files of the President's correspondence were not at that period kept at the Executive mansion, and that after Mr. Lincoln's death all papers remaining there were distributed among the departments. Colonel Hay, Secretary of State, had been one of Mr. Lincoln's secretaries; and thinking it possible he might be able to suggest in what department the paper could be found, I addressed an inquiry to him. This brought reply from Mr. John G. Nicolay (another of Mr. Lincoln's assistants, and collaborator with Colonel Hay on their book "Abraham Lincoln"), who wrote that he had no recollection of such a telegram; that if received "it ought to be among the Lincoln papers; but after examination," he says, "I do not find it among such as we have." "I think," Mr. Nicolay adds, "that Governor Peirpoint's recollection must be at

fault if he stated that Mr. Lincoln had told him he had signed the West Virginia bill merely because of the Governor's request."

THE GOVERNOR'S DAUGHTER TELLS ABOUT IT.

Not feeling convinced by Mr. Nicolay's conclusion, I made some inquiry of Governor Peirpoint's daughter, Mrs. Anna Peirpoint Siviter, of Pittsburgh, who wrote me under date of February 16, 1901, the following:

Father's memory was absolutely faultless to the day of his death except a few weeks at the beginning of his illness at Fairmont; and I have heard him tell the story many times substantially as you tell it and know it was true. The only point I am not certain of is whether it was a letter or telegram that was sent. My brother was in the room at the time the conversation took place between my father and Mr. Campbell in 1897 concerning the sending of the telegram and Mr. Campbell as well as my father remembered the occurrence. This adds Mr. Campbell's evidence to my father's that such a message was sent. But even if I had not heard either of them make this statement, I should know it was true from a conversation I had with Senator Willey the day after my father's funeral, in March, 1899. He told me the whole history of President Lincoln's signing the bill. Mr. Willey was intensely anxious to obtain the President's signature at once and visited the White House in company with another gentleman. The President asked them to see the different members of the Cabinet and return to him the following morning (possibly a day later), when he would make known his decision. They went to see the Cabinet, and on the day set went to the White House so early that the servants were still cleaning the President's private office. They forced their way in, however, and in a few minutes the President appeared, and after making some laughing remark about their early appearance, he told them he was ready for them; and, stooping down, took out a bundle of papers from the drawer of his desk, stating that they contained the written

opinions of the members of the Cabinet. The effect of the President's comment on these opinions was that they were not so unanimous as to lead him to sign the bill; "but," he continued, "I have another paper here which has had a great influence upon me and I will read it to you." He then drew out and read to them a message which they knew was my father's; "and this," Mr. Lincoln said, "was the cause of my doing this" (or words to that effect). And then he showed his signature to the bill.

I suppose you know the substance of the dispatch. It was that *whether the act was constitutional or not, the New State must be created. It was a war measure. The Union was engaged in a life-and-death struggle, and the bill must be signed.*

"ARCHIE" CAMPBELL INTERVIEWS MR. LINCOLN.

Regarding this message to the President, Mr. Campbell's daughter, Mrs. Jessie Campbell Nave, of Bethany, West Virginia, in answer to my inquiries, wrote me under date of August 15, 1901:

Father had more to do with this than any one else; and it was he who virtually wrote the message, for that I have known this many a year. And, furthermore, father went on himself and had a personal interview with Mr. Lincoln, who came into father's room in the hotel while he was performing his ablutions and took a seat on a chair in the most off-hand way, asking father to explain the whole case to him—which you can imagine he did thoroughly.

Corrective of this, Mrs. Nave wrote me in a letter dated December 2, 1901:

I forgot to tell you further of father's interview with Lincoln. I had nothing bearing on the subject in my possession, only Mr. Nave and I had listened with interest to father's account of his trip to Springfield, Ill., to see the President and enlighten him as to the true state of affairs then existing in the western part of Virginia. Mr. Lincoln surprised father at his ablutions in his modest apartments in what was doubtless a

very second-rate hostelry, for in those days the United States could boast few good hotels. I think I told you when I wrote you about the matter before that the meeting took place in Washington, but, talking it over with Mr. Nave, I find it was in Springfield, Ill.

Mr. Willey's statement, as given by Mrs. Siviter, differs in some detail from that printed by Hon. J. B. Blair in the *Wheeling Intelligencer* in 1876. That statement (copied elsewhere), touching the visit to the President and the reading of the Cabinet opinions, does not mention any other paper. According to Mr. Blair, the bill was not exhibited with the President's signature at that visit, but later, on New Year's morning, when Mr. Blair called on the President by himself. On this point, Mr. Blair's account is confirmed by Granville Parker's report of what Mr. Blair told him at Washington soon after.

A careful reading of Mr. Lincoln's deciding opinion, printed in succeeding pages, shows that the considerations suggested in Governor Peirpoint's message coincided closely with the drift of his own conclusions. How much the suggestions may have influenced those conclusions, the reader will judge with all the available facts before him.

Mr. Nicolay kindly offered to have full copies of these Cabinet opinions made for me, but the limits set for this work not permitting to any extent the printing of documents in extenso, I have used only the extracts necessary to give the substance of them as found in Vol. VI of Nicolay and Hay's "Abraham Lincoln." Mr. Lincoln's own deciding opinion is reproduced in full. To West Virginia people this paper is of especial interest. It gives President Lincoln one more strong claim to their gratitude, and their admiration, for we see how easily his grasp of the question

sweeps away the trivialities woven around it by Welles, Blair and Bates, and how he gets right at the heart of the controversy in the simple and masterful way peculiar to him.

CABINET EVENLY DIVIDED.

Mr. Seward: The political body which has given consent is incontestably the State of Virginia. So long as the United States do not recognize the secession, departure or separation of one of the States, that State must be deemed as existing and having a constitutional place within the Union, whatever may be at any moment exactly its revolutionary condition. A State thus constituted cannot be deemed to be divided into two or more States simply by any revolutionary proceeding which may have occurred, because there cannot be constitutionally two or more States of Virginia. * * * The newly organized State of Virginia is therefore at this moment by the express consent of the United States invested with all of the rights of the State of Virginia and charged with all the powers, privileges and dignities of that State. If the United States allow to that organization any of these rights, powers and privileges it must be allowed to possess and enjoy them all. If it be a State competent to be represented in Congress and bound to pay taxes, it is a State competent to give the required consent of the State to the formation and erection of the new State of West Virginia within the jurisdiction of Virginia.

On the question of expediency, Mr. Seward said: "The first duty of the United States is protection to loyalty wherever it is found." He was of opinion also that "the harmony and peace of the Union will be promoted by allowing the New State to be formed and erected which will assume jurisdiction over that part of the valley of the Ohio which lies on the south side of the river, displacing in a constitutional and lawful manner the jurisdiction heretofore exercised by a political power concentrated at the head of the James River."

Mr. Chase: In every case of insurrection involving the persons exercising the power of the State, when a large body of the people remain faithful, that body so far as the Union is concerned must be taken to constitute the State. It does not admit of doubt that the Legislature which gave its consent to the formation and erection of the State of West Virginia was the true and only lawful Legislature of the State of Virginia. The Madison papers clearly show that the consent of the Legislature of the original State was the only consent required to the erection and formation of a new State within its jurisdiction. * * * Nothing required by the Constitution to the formation and admission of West Virginia is therefore wanting; and the act of admission must necessarily be constitutional. Nor is this conclusion technical as some may think. The legislature of Virginia, it may be admitted, did not contain many members from the Eastern counties. It contained however, representatives from all counties whose inhabitants were not either rebels themselves or dominated by greater numbers of rebels. It was the only Legislature of the State known to the Union. If its consent was not valid, no consent could be. If its consent was not valid the Constitution as to the people of West Virginia had been so suspended by the rebellion that a most important right under it is utterly lost.

The act is almost universally regarded as of vital importance to their welfare by the loyal people most immediately interested, and it has received the sanction of large majorities in both houses of Congress. These facts afford strong presumptions of expediency.

Mr. Stanton: I have been unable to perceive any point on which the act of Congress conflicts with the Constitution. By the erection of the New State the geographical boundary heretofore existing between the free and slave States will be broken; and the advantage of this from every point of consideration surpasses all objections which have occurred to me on the question of expediency.

Mr. Welles: We cannot close our eyes to the fact that the fragment of the State which in the revolutionary tumult has instituted a new organization is not possessed of the records,

archives, symbols, traditions or capital of the Commonwealth. Though calling itself the State of Virginia, it does not assume the debts and obligations contracted prior to the existing difficulties. Is this organization then really and in point of fact anything else than a provisional government for the State? It is composed almost entirely of those loyal citizens who reside beyond the mountains and within the prescribed limits of the proposed new State. In this revolutionary period, there being no contestants, we are compelled to recognize the organization as Virginia. Whether that would be the case and how the question would be met and disposed of were the insurrection this day abandoned, need not now be discussed. Were Virginia, or those parts of it not included in the proposed new State, invaded and held in temporary subjection by a foreign enemy instead of insurgents, the fragment of territory and population which should successfully repel the enemy and adhere to the Union would doubtless during such temporary subjection be recognized, and properly recognized, as Virginia. When, however, this loyal fragment goes farther and not only declares itself to be Virginia but proceeds by its own act to detach itself permanently and forever from the Commonwealth and to erect itself into a new State within the jurisdiction of the State of Virginia the question arises whether this proceeding is regular, legal, right and in honest good faith conformable to and within the letter and spirit of the Constitution. * * * Were there no question of doubtful constitutionality, the time selected for the division of the State is most inopportune. It is a period of civil commotion, when unity and concerted action on the part of all loyal citizens should be directed to a restoration of the Union and all tendency towards disintegration and demoralization avoided.

Mr. Blair: The question is only whether the State of Virginia has consented. In point of fact it will not be contended that this has been done; for it is well known that the elections by which the movement has been made did not take place in more than one-third of the counties of the State, and the votes on the constitution did not exceed twenty thousand. The argument for the fulfillment of the constitutional provisions applicable to this case rests altogether on the fact that the government organized at Wheeling (in which a portion of the district in which it is proposed to create the new State is represented

with a few of the Eastern counties) has been recognized as the government of the State of Virginia for certain purposes by the executive and legislative branches of the Federal government; and it is contended that by these acts the Federal government is estopped from denying that the consent given by this government of Virginia to the creation of the New State is a sufficient consent within the meaning of the Constitution. It seems to me to be a sufficient answer to this argument to say: first, that it is confessedly merely technical and assumes unwarrantably that the qualified recognition which has been given to the Government at Wheeling for certain temporary purposes precludes the Federal government from taking notice of the fact that the Wheeling government represents much less than half the people of Virginia when it attempts to dismember the State permanently. Or, second, that the present demand of itself proves the previous recognitions relied on to enforce it to be erroneous. For unquestionably the fourth article of the Constitution prohibits the formation of a new State within the jurisdiction of an old one without the actual consent of the old State; and if it be true that we have so dealt with a third part of the people of Virginia as that to be sustained we should now permit that minority to divide the State, it does not follow that we should persist, but on the contrary it demonstrates that we have heretofore been wrong; and if consistency is insisted on and is deemed necessary, we should recede from the position heretofore taken.

As to the expediency of the measure, I do not think it either necessary to recede from those positions or proper to take the new step insisted on now.

The opinion of Mr. Bates was lengthy and elaborate. The following extract will indicate the course of his argument:

Mr. Bates: We all know—everybody knows—that the government of Virginia recognized by Congress and the President is a government of necessity, formed by that power which lies dormant in every people, which though known and recognized is never regulated by law because its exact uses and the occasions for its use cannot be foreknown, and it is called into

exercise by the great emergency which overturning the regular government necessitates its action without waiting for the details and forms which all regular governments have. It is intended only to counteract the treacherous perversion of the ordained powers of the State and stands only as a political nucleus around which the shattered elements of the old Commonwealth may meet and combine in all its original proportions and be restored to its original place in the Union. It is a provisional government proper and necessary for the legitimate object for which it was made and recognized. That object was not to divide and destroy the State, but to rehabilitate and restore it. That Government of Virginia, so formed and so recognized, does not and never did in fact represent and govern more than a small fraction of the State—perhaps a fourth part. And the Legislature which pretends to give the consent of Virginia to her own dismemberment is (I am credibly informed) composed chiefly if not entirely of men who represent those forty-eight counties which constitute the new State of West Virginia. The act of consent is less in the nature of a law than of a contract. It is a grant of power; an agreement to be divided. And who made the agreement? The representatives of the forty-eight counties with themselves. Is that fair dealing? Is that honest legislation? Is that a legitimate exercise of a constitutional power by the legislature of Virginia? It seems to me that it is a mere abuse, nothing less than an attempted secession, hardly valid under the flimsy forms of law.

MR. LINCOLN UNANIMOUS.

When Mr. Lincoln had weighed the opinions, pro and con, thus furnished him, he found reasons of his own to justify him in signing the bill, and he put them on paper as a sort of deciding opinion in the case:

The consent of the Legislature is constitutionally necessary to the bill for the admission of West Virginia becoming a law. A body claiming to be such Legislature has given its consent. We cannot well deny that it is such unless we do so upon the outside knowledge that the body was chosen at elections in

which a majority of the qualified voters of Virginia did not participate. But it is a universal practice in popular elections in all these States to give no legal consideration whatever to those who do not choose to vote as against the effect of the votes of those who do choose to vote. Hence it is not the qualified voters but the qualified voters who choose to vote that constitute the political power of the State. Much less than to non-voters should any consideration be given to those who did not vote in this case; because it is also a matter of outside knowledge that they were not merely neglectful of their rights under and duty to this government, but were also engaged in open rebellion against it. Doubtless among these non-voters were some Union men whose voices were smothered by the more numerous Secessionists; but we know too little of their number to assign them any appreciable value. Can this government stand if it indulges constitutional constructions by which men in open rebellion against it are to be counted, man for man, the equals of those who maintain their loyalty to it? Are they to be counted better citizens and more worthy of consideration than those who simply neglect to vote? If so their treason against the Constitution enhances their constitutional value. Without braving these absurd conclusions, we cannot deny that the body which consents to the admission of West Virginia is the Legislature of Virginia. I do not think the plural form of the word "legislatures" and "states" in the phrase of the Constitution "without consent of the Legislatures and of the States concerned," etc., has any reference to the New State concerned. That plural form sprang from the contemplation of two or more old States contributing to form a new one. The idea that the New State was in danger of being admitted without its own consent was not provided against because it was not thought of, as I conceive. It is said the devil takes care of his own. Much more should a good spirit—the spirit of the Constitution and the Union—take care of its own. I think it cannot do less and live.

But is the admission of West Virginia into the Union expedient? This in my general view is more a question for Congress than for the Executive. Still, I do not evade it. More than on anything else it depends on whether the admission or rejection of the New State would, under all the circumstances,

tend the more strongly to the restoration of the National authority throughout the Union. That which helps most in this direction is the most expedient at this time. Doubtless those remaining in Virginia would return to the Union, so to speak, less reluctantly without the division of the old State, than with it; but I think we could not save as much in this quarter by rejecting the New State as we should lose by it in West Virginia. We can scarce dispense with the aid of West Virginia in this struggle; much less can we afford to have her against us in Congress and in the field. Her brave and good men regard her admission into the Union as a matter of life and death. They have been true to the Union under very severe trials. We have so acted as to justify their hopes and we cannot fully retain their confidence and co-operation if we seem to break faith with them. In fact they could not do so much for us if they would.

Again, the admission of the New State turns that much slave soil to free; and this is a certain and irrevocable encroachment upon the cause of the rebellion.

The division of the State is dreaded as a precedent. But a measure made expedient by war is no precedent for times of peace. It is said that the admission of West Virginia is secession and tolerated only because it is our secession. Well, if we call it by that name there is still difference enough between secession against the Constitution and secession in favor of the Constitution. I believe the admission of West Virginia into the Union is expedient.

THE SIGNING OF THE BILL.

Granville Parker relates that happening to be East on private business and gathering from the papers "the critical situation at Washington," he went thither on the last day of December and that evening called upon Hon. J. B. Blair, congressman from the Parkersburg district. Mr. Blair informed him he had just come from the President, who had told him "to call next morning and receive a New Year's gift." "In the morning," says Mr. Parker,



GRANVILLE PARKER.

"Mr. Blair, as he afterwards told me, called at the Presidential mansion before the doors were open, went in at a window and met the President, who had just got up. He went immediately to a drawer and took out and showed Mr. Blair the bill for the admission of West Virginia, with his signature affixed, as the New Year's gift he had promised; manifesting the simplicity and joyousness of a child when it feels it has done its duty and gratified a friend."

HOW PRESIDENT LINCOLN GAVE THE "ODD TRICK."

In a letter published in the *Wheeling Intelligencer* January 22, 1876, Mr. Blair relates that when the bill was

in the hands of the President, accompanied by his colleague in the House, Hon. William G. Brown, and Senator Willey, he called upon the President in the interest of admission, and he describes what occurred as follows:

We had hardly taken our seats when Mr. Lincoln remarked that he was glad we had called as he wished to talk with us as to the constitutionality and expediency of creating the proposed New State out of a part of the State of Virginia. Without waiting for reply he went on to say that he had consulted his Cabinet on the above points, that he had their opinions in writing, that he would read them to us but would not tell us which was which. Friend Brown just then got in a word and remarked that he thought we would be able to tell whose opinion he read. We did so in every instance. He had the written opinion of every member of his Cabinet save that of Mr. Smith. Mr. Seward, Mr. Chase and Mr. Stanton were for us; Mr. Welles, Mr. Blair and Mr. Bates were against us.

The President then pulled out a drawer in the table by which he was sitting with the remark: "Now, gentlemen, I will give you the 'odd trick;'" and I remarked "that is the trick we hope to take." One thing I do know that we three agreed afterwards that Mr. Lincoln's argument was the clearest, most pointed and conclusive of all. Above all, it was most satisfactory to us. We went at seven o'clock and left at ten. Just as we were leaving I obtained a promise from him that notwithstanding the next day was New Year's day, when the President received no visitors on business, that if I would come up early he would let Mr. Brown know whether he had approved our bill or not. I was there early in the morning and he kept his promise—as he always did. He brought the bill to me and holding it open before my eyes, he said: "You see the signature." I read: "Approved—Abraham Lincoln."

CHAPTER XXI.

AMENDMENT MADE AND RATIFIED—WEST VIRGINIA INAUGURATED.

THE CONSTITUTION COMES BACK.

January 14, 1863, the Schedule Commissioners issued a proclamation recalling the Constitutional Convention and ordering elections in Greenbrier, Monroe, Morgan, Pendleton and Pocahontas Counties, not before represented, and to fill vacancies:

In Ohio County, caused by the death of Gordon Battelle.

In Marion, by the resignation of Hiram Haymond.

In Mason, by the resignation of John Hall.

In Kanawha, by the resignation of James H. Brown.

The Convention reassembled in its former meeting-place at 11 A. M., February 12, 1863. Daniel Lamb was called to the temporary chair and Abraham D. Soper, a venerable looking white-haired man of 66 was made permanent President. The following new members appeared, most of them at the opening of the session: Andrew F. Ross, Ohio County; James H. Brown, Kanawha (who had changed his mind and came back); Moses Tichenal,

Marion; Dr. David S. Pinnell, Upshur; Joseph S. Wheat, Morgan; D. W. Gibson, Pocahontas; Andrew W. Mann, Greenbrier.

Immediately upon the opening the first day, the commissioners submitted their report including the passage of the act of admission with an amendment, to confirm which this Convention had been recalled.

DEATH OF GORDON BATTELLE.

Announcement of the death of Gordon Battelle while serving as chaplain of the 1st Union Virginia Regiment, was made by Mr. Lamb, who briefly eulogized his deceased colleague and offered resolutions of respect and condolence. Several members followed Mr. Lamb in feeling tributes to their late associate, testifying to his high personal character, his valuable services in the Convention and the noble devotion to his country which cost him his life. One could not, while listening to these addresses, but reflect on the irony of fate. Gordon Battelle was the one man who might have been excused some satisfaction in the resumption of this Convention. Congress had refused admission until the gradual emancipation he had sought to have incorporated should be put into the constitution. He had been gagged on the floor of the Convention on the motion of one of the commissioners who carried their unacceptable work to Washington—denied permission to give his reasons; and now the Convention after a year's delay was brought back to repair the omission; and the one man whose judgment had been vindicated was the one man chosen not to be here to receive this meed of justice.

"CONGRESSIONAL DICTATION" FOR HOME CONSUMPTION.

In the afternoon the Convention was addressed at length by Senator Willey, who had brought a written address from Washington to show why West Virginia should accept the condition imposed by Congress. The argument was superfluous, as all well-informed people knew. Outside a few politicians, now eager to get on the winning side, the people of West Virginia did not care a fig about the cry of "congressional dictation." All they wanted was a chance to vote for a free State. Mr. Willey was not unwilling to make a little capital for himself, first by taking all the credit of the emancipation amendment—which the record of the Senate debates shows he declared was "not personally agreeable" to him but which he was forced to stand sponsor for—and next at the expense of his unfaithful colleague. After reciting precedents and opinions to show that Congress had the right to impose conditions, he finally came down to Mr. Carlile saying: "I am happy, however, to be able to add to these high authorities that of my able colleague. I have here the original bill reported by the Committee on Territories for the admission of West Virginia into the Union, drawn by Mr. Carlile. That it was the mature result of Mr. Carlile's enlightened judgment there can be no doubt;" and then he quoted the sarcastic remarks Mr. Wade had made regarding Mr. Carlile's course in the committee. This was keen on the part of Mr. Willey, but a little explanation of his own indifference and failure to uncover Mr. Carlile's Trojan horse, instead of leaving it to be done by others, might have been in better taste.

COMPENSATED EMANCIPATION.

In the second day's session, Mr. Van Winkle offered for reference to a special committee a resolution to engraft on the constitution the provision required by Congress. The committee were directed to inquire whether any provision in reference to the compensation of owners should or could with propriety be inserted in the constitution or adopted by the Convention. Mr. Brown, of Kanawha, the special champion of the slave-holding interests, offered a resolution declaring that "the clause ratifying and accepting the constitution prescribed by Congress ought also to contain a provision requiring the Legislature to make compensation to the loyal owners whose slaves shall be emancipated thereby, or at least be accompanied by an explicit and positive declaration that the ratification and adoption of said condition shall not be construed as changing in any degree the 6th section of the constitution." That section provided that "Private property shall not be taken for public use without just compensation. No person in time of peace shall be deprived of life, liberty or property without due process of law."

COMMITTEE REPORT ON IT.

The special committee was composed of Van Winkle, Willey, Brown, of Kanawha, Lamb and Parker; and the following day Mr. Van Winkle submitted their report. The committee had been unable to learn that any State had emancipated slaves in being at the time of passing the emancipation law. "It is conceded on all hands," the report said, "that no prospective or other right of property

attaches to the children of slave mothers until actually born, who cannot therefore be subjects of emancipation." The committee found no precedent in this country to serve as guide in forming their opinions as to whether the owners of slaves in being at the time the constitution goes into operation and then under the age of twenty-one years, should be compensated for their slaves. In colonies of England, France, Denmark and Holland, emancipation of slaves had been accompanied by compensation to owners; and in the liberation of the Russian serfs, the Emperor had provided for compensation to owners of the lands to which they were attached and to whom their services were due. Regarding the constitutional provision quoted, that private property should not be taken—which same provision is found in the Constitution of the United States—the committee proceeded to inquire to what extent these provisions were applicable to the present case. They thought slaves and the right to their service constituted such property as was contemplated in this provision, and concluded that freeing slaves was equivalent to taking the property "for public use;" and that therefore the owners of slaves in being at the time the constitution goes into operation and emancipated under it would be entitled to compensation. The details of this would be matter for the Legislature. The committee did not, however, recommend any alteration beyond that required by Congress. They accompanied their report with a resolution expressing the opinion "that the owners of slaves in being at the time the constitution goes into effect and emancipated under its provisions will be constitutionally and legally entitled to recover from the State the actual value of such slaves at the time of emancipation."

Later, Mr. Brown, of Kanawha, offered a resolution requesting Congress to appropriate \$2,000,000 to the State of West Virginia, to be paid in United States 6 per cent. bonds on the passage of an act abolishing slavery within the first year after the establishment of the State and making compensation to owners.

The debates on this question of compensation were the most considerable that engaged the attention of the Convention during its sitting.

On the 17th the resolutions reported by the special committee on the subject of compensation were taken up and Mr. Willey offered in lieu of them one declaring it the opinion of the Convention that "every right of every kind of property is amply provided for and secured by the constitution as it stands," and that no amendment was necessary or proper. Mr. Wheat had offered an amendment to the committee's resolution providing that the appropriation for the compensation should be "made from moneys arising from the sale of rebel property and not from the taxes imposed on Union slaveholders."

COMPENSATION "TURNED DOWN."

When it came to a vote both Mr. Wheat's amendment and Mr. Willey's substitute were laid on the table, carrying with them the whole question of compensation.

AMENDMENT ACCEPTED.

Then the simple resolution reported by the committee to insert in the constitution the provision required by Congress in place of section 7 of Article XI, was adopted by

unanimous vote, only two members being absent. Next morning the constitution as thus amended was readopted by a vote of 52 to none.

For an exact understanding of what was done let it be stated: The provision which Congress had required to be stricken out was this:

7. No slave shall be brought, or free person of color be permitted to come, into this State for permanent residence.

The provision required to be inserted was the following:

7. The children of slaves born within the limits of this State after the fourth day of July, eighteen hundred and sixty-three, shall be free; and all slaves within the said State who shall at the time aforesaid be under the age of ten years shall be free when they arrive at the age of twenty-one years; and all slaves over ten and under twenty-one years shall be free when they arrive at the age of twenty-five years; and no slave shall be permitted to come into the State for permanent residence therein.

RECORD OF DEBATES.

At this point Mr. Van Winkle made another effort to secure a record of the debates. He offered a resolution "authorizing" the Executive Committee to contract with the person who had preserved a report of the debates for their transcription, and for future publication if the committee saw fit. The Convention cut out the authority to publish but authorized the committee to contract for having the debates written out. But the authority was never exercised.

ORGANIZING THE NEW STATE.

The last day of the session an ordinance was passed "for the organization of the State of West Virginia." It provided that on Thursday next succeeding the thirty-fifth from the date of the President's proclamation under the act of admission, an election for State and county officers should be held throughout West Virginia. The Executive Committee were entrusted with the details of holding the election and of providing for the accommodation of the Legislature and executive officers at the city of Wheeling. It was provided that the Legislature on the sixty-first day after the date of the President's proclamation should meet at eleven o'clock in the forenoon and proceed to organize. All officers acting within the State by authority of the laws of Virginia were to continue the exercise of the powers and duties of their offices in the name of West Virginia until officers chosen under the new constitution were elected or appointed and qualified to succeed them.

The Convention adjourned February 20th, subject to recall by the Executive Committee; but if not previously convened it was to stand adjourned from the date the New State was organized and in operation, and Mr. Dille was appointed Vice President to act in the contingency of the death of the President.

AMENDMENT RATIFIED BY THE PEOPLE.

The amended constitution was submitted to vote March 26, 1863, and the amendment ratified by 18,862 to 514. This vote did not include the volunteers in the United States army, roundly stated at ten thousand.

POLITICIANS MANOEUVRING.

Recurring to the informal vote on Mr. Battelle's emancipation provision when the constitution was first submitted, there were then reported 610 votes against it. Now in the whole State on a formal vote the number against was a hundred less. The informal vote of six thousand for in a few counties had grown under legal submission of the question to nearly nineteen thousand in favor of a stronger provision. Emancipation would have been just as heartily ratified in 1862 as in 1863. The politicians had been frightened at a bogey of their own raising. They were afraid somebody else might be afraid. Public opinion in West Virginia was not afraid of the question. The people of the State were ready to accept emancipation—eager to do so—as giving their new State its fitting status at home and before the world.— From first to last, the old-time politicians who had formerly controlled public opinion were fighting the advance of the free State and retreating before its irresistible march. Finally, they saw there was nothing for them but to fall in with the victorious column; and with their accustomed assurance they took their places at the front, assumed the leadership and appropriated the glory and emoluments of victory.

An address issued by the Committee on Revision and Engrossment after the adjournment of the Convention, like the one Mr. Willey brought out from Washington, was a work of supererogation. It sought to prove what there were few to deny. It set up men of straw and then skillfully knocked them down. It assumed that an objection pervaded the State to "Congressional dictation;" that

there was a deep-seated affection for slavery and unwillingness to see it removed even in the gradual way provided. The simple, obvious, common-sense fact was that—save a few politicians, and they only for captandum—nobody cared a fig about “Congressional dictation,” and few about slavery. The great body of the people who were loyal to the United States were far ahead of them on that question and anxious to be rid of the negro institution as quickly as possible. These gentlemen sought to make it appear that what had come to pass was of their doing, when in truth it had come in spite of them, through force of a growing public opinion which they were never able to catch up with.

THE FREE-SOIL ANTISEPTIC.

The free-soil sentiment in Northwestern Virginia was the salt that saved the mess from putrescence. Let this be emphasized, for it is the immortal truth. It was the efforts of the free-soilers like Campbell and Peirpoint, Atkinson, Paxton, Woodward, the Nortons, the Hornbrooks, Battelle, Stevenson and others like them, which carried the State through the snares and besetments of chicane and treachery—over honest opposition and dishonest friendship—which won the way in Congress over doubts and misgivings about regularity and legality. It was sympathy with these anti-slavery men which enlisted Bingham, the “Old Man Eloquent” of the House. As Campbell once told the Convention in his paper, the anti-slavery men were the only friends the New State had in Congress; and a pretty figure we should have cut but for their favor.

THAT "COMPROMISE."

The address last referred to erred in stating that "a compromise clause was agreed on" regarding slavery in the Constitutional Convention. The adoption of the clause was not a compromise. There was an apparent co-operation between Pomeroy of Hancock and Benjamin H. Smith to shelve Battelle's proposition, and adopt the negro-exclusion clause only, as a sort of settlement. Pomeroy made the suggestion, and Smith, representing the pro-slavery element, seconded by Brown of Kanawha, accepted the trick and assumed it to be an overture for compromise; and then Dille took it upon himself to rise in the role of "bless you my children" and make everybody happy. No intelligent spectator on or off the floor was deceived by this play of pretence. Neither Mr. Pomeroy nor Mr. Dille had any authority except his own to offer any "compromise." Mr. Battelle, the only member who had anything to compromise, expressly disclaimed all part in it. He declared he "entered into no compromise on this question," and that there had been nothing to give the matter the dignity of a compromise. There had been simply an application of the gag, and Mr. Battelle so felt it and protested against it. Nor should it be forgotten that the clause adopted with so much gush was the one Congress required the Convention to take out, because in forbidding free negroes to come into the State it trenched on the rights of citizens of the United States.

THE PRESIDENT PROCLAIMS.

A copy of the amended constitution was certified by the President of the Convention (countersigned by the Executive Committee) to the President of the United States;

and on the 19th of April President Lincoln issued his proclamation declaring the admission of West Virginia completed, to take effect, according to the terms of the act of admission, sixty days thereafter.

SENATOR CARLILE PLAYS HIS LAST CARD.

Senator Carlile had meanwhile not been willing to confess defeat. On the 14th of February, 1863, he introduced in the Senate a bill "supplemental to the act for the admission of West Virginia, &c." In this he provided that the proclamation of the President should not be issued until the counties of Boone, Logan, Wyoming, Mercer, McDowell, Pocahontas, Raleigh, Greenbrier, Monroe, Pendleton, Fayette, Nicholas and Clay, "now in possession of the so-called Confederate government and over which the restored government of the State of Virginia has not yet extended or expressed, have voted on and ratified the conditions contained in" the act of admission. The bill was referred to the Judiciary Committee, who reported adversely. February 28th, Mr. Carlile tried to have the bill taken up for consideration, but the Senate refused by a vote of 28 to 12. Thus the last card in the unfaithful Senator's game was played in vain.

It must not be supposed that Mr. Carlile was alone in these efforts to defeat the New State. As having evident connection with his course in the Senate, it is a curious fact that there stands on the records of the Legislature of the restored government an act passed February 4, 1863, providing for elections on the 4th Thursday of May succeeding, on the question of annexing to West Virginia

the following districts outside the boundaries fixed in the constitution :

1. Tazewell, Bland, Giles, Craig.
2. Buchanan, Wise, Russell, Scott, Lee.
3. Allegheny, Bath, Highland.
4. Frederick and Jefferson.
5. Clark, Loudon, Fairfax, Alexandria, Prince William.
6. Shenandoah, Warren, Page, Rockingham.

The act gave consent in advance that any or all these districts might be annexed to the New State; and provided that if the condition of the country did not permit an election at that time, the Governor should as soon as it would permit, order such election. It is apparent Mr. Carlile had coadjutors at the home end of the line. Such action indicates a plasticity on the part of the Legislature that does them no credit. If they desired to promote the admission of West Virginia, this was a singular way to do it. If they sought to protect the integrity of Virginia, this was a peculiar way to do that; for the success of this scheme would have left the old Dominion but a fragment of its once broad domain.

THE NEW STATE WRECKERS WHO FAILED.

Mr. Parker asserts positively that it was the deliberate plan of the pro-slavery leaders in West Virginia "to wreck the New State project upon a failure to harmonize" the constitution "with the views of Congress on slavery." This appears to be the key to their attitude in the Constitutional Convention,—to send a constitution to Washing-

ton which they knew Congress would not accept. Evidently Mr. Parker thinks Mr. Willey's careful avoidance of all allusion to the informal expression of the people in regard to emancipation, in his address when presenting the memorial, was in consonance with this plan. Mr. Parker was active in pushing the vote on the emancipation question in the Southwest when the first vote was taken on the constitution; and regarding the action of Brown of Kanawha and Hall of Mason, he makes these statements:

If they really desired a New State, why did they contend in the Convention for taking in the whole valley with 60,000 slaves, with which Congress could never have been reconciled? Why refuse to submit the gradual emancipation clause to the decision of the people? Why were James H. Brown and John Laidly, while holding courts in Wayne and Cabell counties all the time warning the people against having anything to do with the subject; reiterating what every sane man knows to be false, that such an expression was unnecessary to secure admission by Congress. Why should John Hall, President of the Convention, visit Ceredo during that court and hold consultation with Brown and Laidly? Why should James H. Brown advise Colonel Lightburn to suppress all expression in his regiment on the subject? Why did James H. Brown advise the people at Barboursville that it would do much hurt, and that it was only a scheme of ambitious demagogues? Why did John Laidly come before the commissioners while holding the election at Guyandotte, pale and shaking with rage, while the people were voting for the clause, and declare the instruction to be unauthorized and improper, and use all the means in his power to suppress their expression on the subject? All these things I stand ready to prove by unimpeachable witnesses.

WAYS AND MEANS.

February 3, 1863, the Legislature of restored Virginia passed an act transferring to the New State when

it came into being, all the interest of Virginia in property, unpaid and uncollected taxes, fines, forfeitures, penalties and judgments, within the territory embraced in West Virginia; and the following day made an appropriation of \$150,000 and of whatever balances might on the 20th of June remain in the treasury shown on the Auditor's books as belonging to the counties included in the New State.

WEST VIRGINIA INAUGURATED.

June 20, 1863, witnessed the installation of the new Commonwealth. The Linsley Institute building, at the corner of Fifth and Center streets, in the city of Wheeling, had been prepared as a temporary capitol for the use of the Legislature and Executive. In front of the building a platform had been erected, draped in the National colors; and upon this the Governor and other State officers chosen at the elections held by the commissioners of the Convention, under auspicious skies of a bright June morning, in the presence of a great and joyous assemblage collected on the adjacent streets and grounds, assumed the obligations of their several stations; following which the two houses of the Legislature withdrew to their respective chambers and organized for the laborious task of framing new statutes to make effective the new charter of their freedom and independence.

The dream of generations had "come true." Some whose hopes and labors had been crowned were not here to enjoy the fruition. At last we had come to the end of the toilsome road; the close of the fierce, the bitter, the enduring struggle; had triumphed over perils by land and



THE FIRST CAPITOL OF WEST VIRGINIA.

sea, by flood and field—the assaults of open, the snares of secret, foes—the timidity of the faint-hearted, the rashness of the bold. At last we were out of the wilderness; not only in sight but in possession of the promised land. The past, with its anxieties and bitterness, was to be forgotten save for its lessons of wisdom and patience; and now all faces turned to the future, rosy in the dawn of enfranchisement and progress!



CHAPTER XXII.

THE SECESSION CONVENTION DESCRIBED BY SURVIVING MEMBERS.

AS SEEN BY M'GREW OF PRESTON.

Hon. James C. McGrew of Kingwood, West Virginia, was a member of the Richmond Convention of 1861, colleague of Hon. William G. Brown. He is now at the age of eighty-eight the president of a bank in active service, the possessor of a large property which he cares for, and is more active and capable than many men at fifty. Learning that Mr. McGrew was still in good health and activity, the author wrote him in June, 1900, to ask if he would contribute for these pages his recollections and impressions of the Convention and of some of the Western members. His reply (written on type-writer with his own hand) was addressed to the author; and except the address is given without alteration. The day he mailed it, Mr. McGrew says in a P. S., he completed his eighty-seventh year.

Kingwood, W. V., September 14, 1900.

Not until now, since writing you in July, have I been able to command sufficient leisure to fulfill the promise to tell you something about the Virginia Secession Convention; and now that I have set myself about it, I find that I cannot be sure of entire accuracy in stating facts which occurred near forty years ago; having to depend largely on a memory somewhat impaired by age. I believe a full and complete report of the



JAMES C. MCGREW.

proceedings of the Convention, including the many able speeches, has never been published. It would be interesting reading now.

Although there existed great dissatisfaction in the western part of the State growing out of the inequality of taxation, there was no demand among the people at the time for an extra session of the General Assembly. Under the Constitution, that body sat biennially, and the winter of 1860-61 was the period of vacation. Various reasons for convening the Legislature were given in the Governor's proclamation—such as "State legislation," "ratification of the sale of the James River and Kanawha Canal to a body of French capitalists," and "to take into consideration the condition of public affairs." These were mere pretexts, the sole purpose being to open the way to secession of the State.

The calling of the Convention was in open disregard of well-established precedents and was clearly a usurpation. Never before in the history of the State had a State Convention been

called for any purpose without the question being first submitted to a vote of the people and sanctioned by a majority of the voters. There was no demand by the people at the time for a convention; and there is no room for question that at the time the legislature passed the bill requiring the Governor to issue his proclamation calling a convention, it was known to the secession conspirators with a good degree of certainty that a large majority of the good people of Virginia were opposed to secession; and that if the question of holding a Convention for the purpose of considering the right and expediency of the State to secede from the Union and join the Southern Confederacy were submitted to the voters, there would be a large majority against it. At the then recent presidential election, the electoral vote had been carried for Bell, the candidate of the Whig party; and when the members of the Convention came together it was ascertained that out of the number one hundred and fifty-two, eighty-five were adherents of Bell; the remainder being almost equally divided between Douglas and Breckenridge.

When the bill authorizing the Convention to be called was under consideration in the House of Delegates, a proposition was submitted to first take a vote of the people. This was fiercely opposed and defeated by the Secessionists. It did not accord with the wicked plans of the conspirators to consult the wishes of the people; they had determined that nothing should stand in the way of their diabolical purpose to carry the State out of the Union. This was declared by that arch conspirator, Henry A. Wise, when in the first speech he made in the Convention he made this declaration: "It is perfectly immaterial, gentlemen, whether you carry the State out of the Union by ordinance or not. If you do, it is well; if you do not, we will carry her out by fire and sword; *and by all the gods, ye shall have war!*"

The Convention assembled on the 13th of February; and it soon became apparent that there was a large preponderance of sentiment among the members in favor of Virginia remaining in the Union. This was made manifest in some degree by the election of John Janney, a Union man, over Valentine W. Southall, a Secessionist, President of the Convention by a vote of 70 to 54, and was confirmed in a degree by the vote on a

resolution thanking John J. Crittenden—which was fiercely resisted by Henry A. Wise—for his efforts in the United States Senate to bring about an adjustment of the then existing national difficulties; which vote stood 108 for and 16 against.

John Janney had been all his life a Whig, but had never been prominent in politics; and consequently was unfamiliar with the devious way of politicians. It has been said of him that he was “a man of pure heart, undoubted probity, and possessed of great practical wisdom.” In his remarks on taking the chair he alluded to the “important position Virginia had occupied in framing the Constitution and forming the Union of the States.” He said that under that instrument many blessings had been enjoyed, and feelingly alluded to the “old flag” then floating above them, which he trusted would remain on the capitol of Virginia forever.” The Union men felt encouraged.

On the 16th, in obedience to a resolution passed the previous day, the President proceeded to appoint a “Committee on Federal Relations.” to which should be referred all resolutions touching Federal relations and kindred subjects. Unacquainted with most of the members and their opinions on the subject of secession, President Janney readily accepted such suggestions as the conspirators saw proper to make regarding appointments on this Committee; hence its composition is readily accounted for—fourteen Secessionists and seven Unionists. It was composed of the following: Robert Y. Conrad, Henry A. Wise, Robert E. Scott, William Ballard Preston, Lewis E. Harvie, W. H. McFarland, William McComas, Robert L. Montague, Samuel Price, Valentine W. Southall, Waitman T. Willey, James C. Bruce, William W. Boyd, James Barbour, Samuel C. Williams, Timothy Rives, Samuel McDowell Moore, George Blow, Jr., Peter C. Johnson, John B. Baldwin, John J. Jackson—21.

Resolutions—some by Union members, but mostly by Secessionists—were rapidly offered and referred. Those offered by the latter, while expressing divers sentiments and great regard for the Constitution and the Union, generally found the remedy for what they called existing wrongs in secession of the State; and they bore such a strong resemblance to each other in verbal construction as to create a suspicion that they had a common origin in the councils of the secession cabal and had

been put into the hands of their friends from different sections of the State for presentation so that they might have the greater effect on the minds of weak Union members.

The plans of the conspirators were adroitly laid, and successfully put into operation. They evidently knew from the beginning that they would have a strong Union sentiment to combat in the Convention and to overcome, if possible. A part of the machinery prepared for this purpose was the introduction to the Convention, five days after it met, of three commissioners from Georgia, South Carolina and Mississippi: Henry L. Benning, John S. Preston, and Fulton Anderson; each of whom addressed the Convention, evidently by pre-arrangement with the conspirators. These addresses were eloquent, especially that of Benning; and not only eloquent but adroit. He appealed to the passions of his hearers and to their pride as Virginians; and pictured in glowing colors what their State would surely become as a member of the Southern Confederacy. He promised honor to her sons and prosperity to the State; security against the North for the institution of slavery, and many other things. The addresses had their intended effect on the minds of a number of Unionists, producing some defection from their ranks, but not sufficient to overcome their majority or to make it safe for the conspirators to relax their efforts further to deplete it.

On the 9th of March the Committee made a partial majority report in which "sovereignty" was declared to "rest in the States," slavery was held to be "a vital element in Southern socialism," and any interference by State or Federal government was offensive and dangerous. The eighth resolution claimed it as "the right of the people of the States for just causes to withdraw from their association under the federative head, and to erect new governments; and that the people of Virginia would never consent that the Federal power should be exercised for the purpose of subjecting the people of such States to the Federal authority." The ninth resolution recognized the right of the Gulf States to secede; and the eleventh resolution contained a threat that if certain demands named in other of the resolutions were not complied with by the Federal government, then Virginia would resume the powers granted under the Constitution of the United States "and throw herself upon her reserved rights."

This committee report, which was made on the 14th of March, was made the order of the day in committee of the whole and at once became the signal for a general onset between the Union men and the Secessionists. The debate began at once and continued for about twenty-two days. It was characterized by great heat and great ability on both sides. The vehemence and malignancy of the conspirators was met by the sturdy determination and eloquence of the Unionists in defense of all that was revered in the history of the country, and all that went to make the country prosperous and strong and the people contented and happy. The resolutions were voted on separately. Some were stricken out, others amended on a basis generally favorable to the Union cause.

During the contest, a Secessionist offered a substitute for the sixth resolution providing that an ordinance of secession from the Federal Union should be submitted to the people of Virginia at the annual election in the following May. This proposition was defeated by a vote of forty-five for and eighty-nine against. The Unionists were elated by the result of their fierce contest, which seemed to show such a decided opposition to disunion; but it aroused the conspirators to greater activity than before, if such were possible.

Alarmed at the strength of the Union sentiment in the Convention, the conspirators had early in the session quietly sent out instructions to their friends in the several counties and boroughs in which Union delegates had been elected by small majorities to hold meetings and pass resolutions instructing their delegates. Accordingly reports were sent in from thirty-seven counties and boroughs purporting to be the proceedings of largely attended meetings of constituents of Union members, instructing—and even commanding—them to favor secession measures and vote for an ordinance of secession. These pretended proceedings of public meetings were uniformly read in open Convention and referred to the Committee on Federal Relations. Some of the weaker members were deceived by this device and gave in their adhesion to the cause of secession. Notwithstanding these defections, the friends of the Union still had the majority, and the conspirators found it necessary to adopt still other methods to overcome it. Accordingly a secret circular, signed by six of the conspirators who were members of

the Convention, and two who were members of the House of Delegates, was sent throughout the State to such of the citizens as they thought they could rely upon to coöperate with them, requesting them in significant language to present themselves in Richmond on the 16th day of April, to "consult with the friends of Southern rights as to the course Virginia should pursue in the present emergency; and to send from each county a full delegation of *reliable men*." This brought to the city hundreds, if not thousands, of desperate characters, who were prepared to do the bidding of the cabal, whatever it might be.

The purpose of the conspirators in this cannot be misunderstood when viewed in the light of subsequent events, which were made to take place as links in the chain of combinations which had brought about such a disordered state of public affairs, and which was designed to accomplish secession even without the semblance of the forms of law.

This camarilla, thus brought together, held meetings behind closed doors in a hall not far away from the capitol, where the Convention was sitting, to which none but the faithful were admitted, whilst the conspirator Wise and his co-conspirators alternated between the two bodies, no doubt keeping the revolutionary meeting accurately informed of everything that transpired in the lawful one, although the latter was sitting in secret and the members were under their parole of honor to disclose none of its proceedings. This rabble was not in Richmond for any lawful purpose, but for that of carrying out, if need be, Wise's threat, made early in the session of the Convention, which I have already quoted; and there can be not the slightest room for doubt that if the Convention had refused on the 17th to pass the ordinance of secession, it would have been violently thrust out of the capitol and the revolution begun.

The conspirators had early adopted a system of tactics calculated and intended to arouse the passions of the "lewd fellows of the baser sort," who at once began to carry out the devilish plan, and were soon joined by others of the more respectable classes of the populace; and soon the city became a perfect pandemonium. Howling mobs paraded the streets at night, with drums and horns and cow-bells, "frightening the ear of night" with discordant noises; going from place to place, denouncing with opprobrious epithets the Unionists of the

Convention, one of whom they burned in effigy in the street, others of whom they tried to intimidate by suspending ropes with nooses attached to limbs of trees or lamp-posts near their lodgings at night, calling them from their beds and kindly informing them that the halters were for *them*! Until the Convention went into secret session, the lobbies and galleries of the hall were crowded with this same excited, angry mob—hounded on by negro-traders—who hissed and howled whilst Unionists were speaking, sometimes compelling them to desist. Upon leaving the hall, Union members were sure to encounter a similar mob in greater numbers about the door outside, who would greet them with insulting remarks, sometimes with threats of personal violence. No epithet milder than "sub-missionist" or "black Republican" found a place in their vocabulary of abuse.

This state of affairs continued up to the passage of the ordinance of secession, the mob continually increasing in numbers and violence. From every place in the city except the capitol the National flag was torn down and dishonored and that of the Southern Confederacy hoisted in its stead. Small Confederate flags were suspended from the windows and balconies of many of the houses, so that Union members passing along the streets to and from their lodgings would be compelled to undergo the humiliation of walking under the secession emblem or take to the middle of the street. So well was this understood that the mud of the street was frequently preferred to the alternative. John F. Lewis, a sturdy Union man (now dead), as brave as the bravest, uniformly left the pavement for the street when passing, making long strides, and often denouncing in no measured or polite terms the tricks and devices used to insult and if possible intimidate.

After the flag of the Union had disappeared from every other place in the city, it was kept permanently floating from the dome of the capitol, not being lowered when the Convention was in session, as had been previously done. When the "reliable men" began to assemble, they found to their disgust the stars and stripes floating from the flag-staff on the capitol. This they could not tolerate. Convenient access to the top of the building could be had only through a single door, which led from the library to the third story. This door was kept

locked by the librarian. One evening, immediately after the Convention adjourned, the mob rushed in through the library, and with axes hewed down the door and went on up to the roof. The flag was violently torn down, amid yells of the mad-dened crowd below, and the secession emblem hoisted in its place—the canaille cheering as it arose. From that time on the Convention sat under it.

The newspapers of the city were for secession, and freely joined the mob in abuse of the Unionists. About this time there appeared in the *Charleston Courier* the following significant paragraph:

"If there are any among us who yet consider South Carolina not in earnest or in the right, it is full time they seek safety in a more congenial climate. Those who are not for us are against us, and we can and shall take care of ourselves."

This was copied by the *Daily Enquirer*, which added the following:

"If there are about Richmond or anywhere else in Virginia, any persons occupying the position described in the above extract from the *Courier*, they will consult their own interest and safety by seeking a more congenial climate at the earliest possible moment. A *hint* to the *considerate* is all sufficient. Those who are not considerate must take the consequences."

By methods such as these a number of Union members were dragooned into supporting the cause of the conspirators, while others were seduced into a shameful betrayal of their constituents, some by flattery and some by even more disreputable means. Thus what was a decided Union majority when the Convention first came together gradually melted away.

While these scenes were being enacted, a special messenger was despatched to Charleston, South Carolina, to announce to the leaders there that everything was in readiness in Virginia for the final act, and that they (the Carolinians) must strike the first blow, and in an hour thereafter "by Shrewsbury clock" Virginia would be with them! This was a welcome announcement to the secession leaders. Preparation to begin the conflict had already been made, and the bombardment of Fort Sumter began immediately—April 12th—and on the day following Governor Pickens, in a telegram, boastingly conveyed the tidings to Governor Letcher declaring "War commenced, and

we will triumph or perish." The telegram was read in the Convention, and the news it conveyed soon found its way to the public, producing intense excitement both in the Convention and in the city; adding fresh fuel to the flame which, in a large portion of the populace, had already consumed every patriotic sentiment of regard for the Constitution and the Union. The city was illuminated; bonfires were lighted in the streets and public squares; stores, offices and public places were closed; and the populace thronged the streets to give vent to their feelings of rejoicing and of hatred of those who were known to be opposed to secession. The throngs in the streets were largely increased in numbers by strangers who rushed to the city from the surrounding country to join in the wild orgies of a maddened people rushing on to ruin—a seething mass of humanity—a veritable hell!

On the 16th of April the Convention went into secret session. This increased the excitement and added to the alarm among the remaining Unionists. Scenes rarely witnessed in a deliberative body in the history of civilized governments were being enacted in the hall where the Convention was sitting. The Union men could now comprehend fully their hopeless position, when they saw those who had been elected as Unionists and who earlier had acted and voted with them, yielding to the storm so furiously raging about them and beating about their heads. In vain was every appeal to their sense of duty to their constituents, their patriotism, their manhood. They had yielded to the satanic influences about them, and had no power to retrace their steps.

On the morning of the 17th, Henry A. Wise came into the hall, carrying a large horse-pistol, which, with a flourish, he placed before him on his desk, and proceeded to harangue the Convention in the most vehement and denunciatory manner; and, looking at his watch, he declared that at that very hour events were occurring "which caused a hush to come over his soul." It was then the Union men of the Convention saw clearly the object of the other assemblage which had been, and was then, sitting with closed doors, and whose concealed hand was in the act of seizing the reins of government, leaving them the form without the power to resist.

It was at this juncture that W. T. Willey, with all the fervency of his noble nature, and the burning eloquence of which he was a master, and the zeal of a patriot, made his last thrilling appeal to his colleagues to stand by the Constitution and the Union. During its delivery, there was seen all over the hall old men, with the frosts of winter on their heads, sobbing like children. But this and similar efforts were unavailing. A few days before the Committee on Federal Relations had reported "An Ordinance to repeal the ratification of the Constitution of the United States of America by the State of Virginia, and to resume all rights and powers granted under said Constitution." On the afternoon of the 17th of April, the Convention came to a vote on the ordinance. The vote stood eighty-eight for and fifty-five against. Subsequently at different times the following members asked and obtained leave to record their votes for the ordinance: John R. Kilby, Addison Hall, John Q. Marr, Robert E. Grant, Alfred M. Barbour and Allen C. Hammond; and the following at different times asked and obtained leave to change their votes from the negative to the affirmative; W. C. Wickham, Algernon S. Gray, Hugh M. Nelson, Alpheus F. Haymond, George W. Berlin and George Baylor—and possibly others in the list.

Attached to the ordinance was a schedule providing for a vote to be taken upon it at the May election; and accordingly a vote was taken on the day fixed upon by the schedule. But wherefore? The State had been already turned over by the Convention to the Southern Confederacy before the schedule was prepared and attached to the ordinance. Its enactment was only another of the many acts of duplicity of which the conspirators were guilty. There was no waiting for this vote to be taken and the result fairly ascertained. The conspirators had secured the passage of an ordinance of secession, and its purpose must be carried out whether ratified by a majority of the voters or not. The people were not to be taken into the account.

Robert E. Lee had been conferred with even before the passage of the ordinance, and he was now promptly appointed commander-in-chief of the naval and military forces of the State, and accepted. A committee on military affairs and a military advisory board had been appointed, military officers commissioned; companies and regiments enlisted and organ-

ized; rebel troops were found in many of the counties; actual war existed in the State, and war upon the loyal inhabitants.

Many of the newspapers of the State (notably the *Richmond Enquirer*) threatened confiscation of property and personal violence to any who dared to oppose secession; the State was in a turmoil; the Union people were bewildered, intimidated, and comparatively few of them voted; and, as was to be expected, a majority in favor of ratifying the ordinance was reported by the Secessionists at Richmond.

At the time these events were transpiring, persistent efforts were made—and are still occasionally made—to create the belief that the people of Virginia were in favor of seceding from the Union at the time the Convention was called; and that a majority of the votes of the State was cast at the May election in favor of ratification. What this vote was will most likely never be known with exactness by the public. It is possible there was a majority of the votes cast in favor; but it was a majority of a minority of the entire voting strength of the State. Whatever it was, I regard the figures published at Richmond unworthy of belief except in so far as they show that a minority only of the entire vote was polled. Had a majority of all the votes of the State been cast against ratification, it would have availed nothing. Already the Convention had (April 25th) “ratified” the constitution of the Confederacy and entered into a union with it.

I think it appropriate to this communication to quote what the *Baltimore American* said at the time regarding the Convention and the result of its action, brought about by the “inauguration of mob violence and a reign of terror”:

“In Virginia, the fairly and legally expressed wishes and opinions of an overwhelming majority have been openly and wantonly violated and disregarded. A State Convention upon which was conferred power only to submit propositions to the people has betrayed the trust confided to it, bartered away the most sacred rights of the people of the State, and actually invested another government with absolute military control and dictatorial power over the inhabitants of the Old Dominion. By the action of this body of traitors to their constituents, Virginia has been disfranchised, the prerogatives of the people have been nullified, the expressed will of an overwhelming

majority has been overridden by fraud and force and treason; and under the flimsy pretext of avoiding coercion to obedience to the Federal Constitution and laws, the State has actually been subjugated by a miserable junta of reckless politicians and her people made subjects and hewers of wood and drawers of water for a despotic oligarchy of broken-down Democratic politicians."

The secession ordinance was passed in the afternoon of the 17th of April, as I have already stated. Late in the afternoon of Saturday, the 20th, some one made the quiet suggestion that the Union members from the Northwestern part of the State get together for consultation, and the Powhattan Hotel, near the capitol, was named as the place of meeting. Accordingly, about twenty, who were hastily notified, quietly and promptly met in Sherrard Clemens' bedroom in the hotel, and organized by electing Gen. John J. Jackson (father of the present United States District Judge of the same name) chairman. After careful deliberation, the meeting decided unanimously that the members present, and such other Union members from the western counties as might be willing to join in the movement (leaving only two in the Convention to give information), should quietly withdraw from the Convention, go home to their constituents, call public meetings, put on foot measures to resist secession, and ultimately bring about, if possible, what had long been talked about and desired—a division of the State.

John S. Carlile, who life was thought to be in danger, had been taken by some of his friends the previous day and put on board a railway train and started for his home; and a few other Union members had already left the city. It had now become necessary for those intending to leave to procure permission from the Governor in order to procure railway tickets and get out of the city. Eight members went in a body to the Governor for this purpose, and after being sharply interrogated, a permit signed by the Governor was given them. They were informed by the Governor that they could not get out over the Baltimore & Ohio Railroad, as he had given orders the night before to burn the bridge over the Potomac at Harper's Ferry.

On Sunday morning, the 21st, a party of fourteen (including two ladies), after encountering some difficulty, got out of the city by two railroads. When they arrived at Alexandria in the

afternoon, they found the city in an uproar—streets guarded, all public conveyances by land and water discontinued; and consequently they were compelled to remain over night. James Burley managed to elude the guard in the late evening and made his way on foot to Washington, where the writer found him next morning at the railway station, sitting on a wheelbarrow, smoking his pipe, apparently very happy to be out of "Dixie," and once more under the protection of the stars and stripes.

It soon became known that a party of "Black Republicans," trying to make their way out of the State, were stopping at Green's Mansion House. About ten o'clock, after the guests of the hotel had retired, and the night clerk and the writer were in the office, arranging about a missing trunk, six or eight great rough fellows came rushing into the place and proceeded at once to examine the hotel register, inquiring of the clerk the political status of each guest, and making uncomplimentary remarks about those known to be Union men. When they came to the name of W. T. Willey, they inquired: "How about this fellow?" The clerk replied: "I don't know; there is a member of the Convention," pointing to myself; "he can tell you." To their inquiry I replied: "He is all right." Their response was: "Damn him, he had better be, or he goes into the Potomac before morning." Whereupon they proceeded to discuss the proposition made by one of their number to put the entire party in the river, and do it without delay. Finally a postponement was decided upon, and the mob left the hotel without attempting to carry their threat into execution. Under these conditions I thought prudence required that I give information to my friends, members of the party, of what I had just witnessed, and to provide in the best way I could for my own personal safety. The party chose to remain and await developments. I informed my colleague, Hon. W. G. Brown, of my purpose to leave the city, if I could, at an early hour in the morning, and suggested that he accompany me; but he decided to remain. I left Alexandria next morning at two o'clock for Washington, in a buggy with a brisk team driven by a white man who was well known in the city. We were stopped in the suburbs once by the guard, but had no further difficulty until we reached the Long Bridge over the Potomac, which we found guarded by a

battery of artillery. There we were again halted and closely interrogated by the officer in command, and finally allowed to proceed. After two or three slight adventures in Baltimore and at Harper's Ferry, I reached home the third day after escaping from Richmond, worn in body and sick at heart.

The party that remained at Alexandria were not permitted to come on to Washington, but were compelled to turn their faces again toward Richmond. Instead of returning to Richmond, when they reached Manassas Junction, they left the railway train and hired conveyances across the mountain to Winchester, whence they traveled by rail to Harper's Ferry and so on home. I do not now remember the names of all who were in this party, but I do remember W. T. Willey and his wife, Chester D. Hubbard, James Burley, George McC. Porter, Campbell Tarr, Caleb Boggess, William G. Brown, Marshall M. Dent, John J. Jackson, Chapman J. Stuart, and, I think, John S. Burdett, and myself.

Some time in the summer of 1863 I met, in Wheeling, W. H. B. Custis, a Union member of the Convention from Accomac, of whom I inquired what he thought would have been the result had not the Union members from the Northwest escaped from Richmond as they did. His reply was: "I think they would not have hung you, but you would be in Richmond now."

About two months, June 14th, after the hegira of the Northwestern members, B. F. Wysor, member from Pulaski, offered a resolution, which was promptly adopted, instructing the Committee on Elections, of which A. F. Haymond was chairman, to inquire and make report of the number and names of members whose seats were vacant, and the cause of such vacancies. Six days later, Chairman Haymond reported, among other things, that—

"It appearing to the satisfaction of the Committee that William G. Brown, James Burley, John S. Burdett, John S. Carille, Marshall M. Dent, Ephraim B. Hall, Chester D. Hubbard, John J. Jackson, James C. McGrew, George McC. Porter, Chapman J. Stuart, Campbell Tarr and Waltman T. Willey have been engaged in conspiracy against the integrity of the Commonwealth of Virginia, and are now engaged in aiding and abetting the open enemies of Virginia; therefore,

"Resolved, That the said William G. Brown (and the others named above) be and are hereby expelled from the Convention."

When the resolution was taken, the names were voted on separately and all were expelled except Mr. Willey, whose case was recommitted, and, I believe, never again reported. This probably grew out of Haymond's personal regard for Mr. Willey. Caleb Boggess and Sherrard Clemens were expelled afterwards. By some sort of fiction, others were declared elected to fill the vacancies thus created, all of whom were Secessionists, of course, and all were admitted to seats, and all signed the ordinance, and their names appear on the numerous copies distributed throughout the country as though they were original members, lawfully elected; and they go to swell to that extent the claim of the Secessionists that the people of the State were in favor of separation from the Federal Union.

In answer to some of the questions in your letter of June 27th:

I have no knowledge of how many members of the Convention were living when John Goode, Jr., wrote the article published in the *Washington Conservative Magazine*, to which you refer in your letter; nor do I know the number now living; but it must be very small, as most if not all of them were then past middle age, and more than the life of a generation has passed since. Goode was a rabid Secessionist, and could not be expected to write without a strong bias upon the subject of secession. I have not seen the article referred to. Goode was the man whom Jubal A. Early challenged while he (Early) was a professed Unionist, for some offensive language used by Goode in one of his speeches. Goode said he meant no offense; Early said he was not mad—and there was no blood spilt.

Governor Letcher may have been "a Union man at heart," as he claimed to have been in his interview with Burdett after the war was ended, and possibly was; but it looks like a "death-bed repentance." He gave some slight evidence of his respect for the Union in his proclamation convening the General Assembly in extra session, January 7, 1861, in which, after declaring the Union "already disrupted," placing the blame on the North, and asserting that "South Carolina, a sovereign State, had a right to adopt the line she had chosen" that is,

secede—he discussed the proposition for a call of a State Convention to determine the position Virginia should take, and declared his firm conviction to be in opposition to the measure; that no necessity existed for it; nor did he conceive that any practical good would be accomplished by it; and then he apologized for the opinion! Letcher was weak in moral courage. His proclamation was an anomalous one; and it was thought at the time by some that it had been forced from him by the secession cabal, and that a refusal would have gone hard with him. Having yielded to the first demand of the conspirators, he continued (perhaps unwillingly) their tool to the end.

George W. Summers was a man of extraordinary ability. He did vallant battle in the Convention for the Union; but as you know, he gave little encouragement to the Western movement, and literally no aid. He lacked one essential quality of a leader in emergencies—courage.

John S. Carlile was a Douglas Democrat—elected as a Unionist to the Convention—and tried to represent his constituents as such, but entertained strong pro-slavery opinions; was in favor of maintaining the Federal Union, but it must be a Union with negro slavery guaranteed by the Constitution and the laws; and he was anti-coercion. Early in the session he offered this:

“Resolved, That since the decision of the Supreme Court of the United States in the case of Chisholm vs. The State of Georgia, and the adoption of the Eleventh Amendment to the Constitution, we are at a loss to understand how the impression that the Federal government possessed the power to coerce a State could have obtained credence.”

You know what his course was in the Convention at Wheeling and in the United States Senate, when the admission of the new State was under discussion in that body.

Caleb Boggess was elected by the Unionists of Lewis County and was true to his constituents in his votes in the Convention, voting uniformly with his Union colleagues. He was, I believe, a true manly man.

I remember little of George W. Berlin. He was elected by a Union constituency and voted against the secession ordinance. He continued a member of the Convention to its final adjournment, December 6, 1861.

John N. Hughes was elected as a Unionist, but proved recreant to his trust. Seduced by the blandishments of the conspirators, he voted for the ordinance of separation. He was a man of some ability. After he came from the Convention, while trying to escape from some Union soldiers whom he supposed to be in pursuit of him, he suddenly came in contact with a company of rebel troops, and, mistaking them in the dark for Union soldiers, proclaimed himself a Union man; whereupon he was shot and killed. Such was the story of his taking off, as told at the time.

Benjamin Wilson was regarded as lacking the courage of his convictions. He was not active in the proceedings of the Convention. His attention was directed more to matters relating to the government of the State than to its secession from the Union. He appeared quite willing that the State should remain in the Union, but wanted reform in its constitution and laws; and at the same time had no particular objection to the State seceding, providing it were done without his vote. In his attempt to stand neutral, he was regarded with a lack of confidence by both parties. He had left the Convention previous to the 22nd of November, and on that day a resolution was introduced instructing the Committee on Privileges and Elections to inquire into the cause of his absence and also that of Boggess and Clemens. Upon the report of the Committee, Boggess and Clemens were expelled; but the Committee reported that it had "no evidence of the disloyalty of Benjamin Wilson, nor to explain the cause of his absence from the Convention, and they ask to be discharged from further consideration of the case of Benjamin Wilson."

It is stated above that the case of W. T. Willey was recommended to the Committee on Elections, and never again reported—which is literally true; but I find that on the 16th of November, Miers W. Fisher offered this resolution, which was adopted:

"Resolved, That Waitman T. Willey be and he is hereby expelled as a member of this body on account of his disloyalty to the Confederate States and his adherence to the enemies of the same."

You had a personal knowledge of all the important events which transpired in the western portion of the State from the time the Union members returned until the State of West

Virginia was organized, and for some years thereafter. I need not, therefore, mention them here.

After some little research, the foregoing has been written somewhat hastily; and while it may contain a few immaterial errors as to statements of facts, it will be found substantially correct. In addition to these eleven sheets, I send you lists of names—one of members of the Virginia Convention, the other the names of those who voted for and against the ordinance of secession. Both are authentic, as I have original copies.

Kingwood, W. Va., September 19, 1900.

Soon after writing you on the 14th I received your esteemed favor of the 12th, with magazine article by John Goode, Jr. I have given the article a hasty perusal and find it to be cleverly written, and plausible withal, but lacking in candor—I might say, truthfulness. Let me quote one statement: "It is a great mistake to suppose that so far as Virginia was concerned the war between the States was waged for the purpose of perpetuating slavery." For what, then, was it waged? Was it simply for the purpose of making good the claim that the State had the right under the Constitution to withdraw at her will from the Federal Union? Hardly. If it were not to secure the "right" to perpetuate slavery in the States where it existed, and to carry it into the Territories and "perpetuate" it there, what was it? What did the Committee on Federal Relations mean by appending to their report on the 9th of March the proposed amendment to the Constitution of the United States so thoroughly to perpetuate slavery in the States where it then existed, and permitting it to be established in the Territories north of 36° 30', and forbidding its abolition in the District of Columbia, and requiring fugitive slaves escaping into free States to be returned to their owners by legal enactment? What other "right" were they proposing to fight for? I know the South threatened nullification because of the tariff, and wanted free trade; but could that be called a "right"? It is too late (or, I ought to say, too early) in the history of these times for Mr. Goode or any other defender of African slavery, and the war of the rebellion, to inculcate the belief that slavery was

not the moving cause of Virginia secession as well as that of all the so-called slave States; and next to that was the unholy ambition of Southern politicians, who saw political power in the general government slipping away from them.

MEMBERS OF THE VIRGINIA STATE CONVENTION.

(SECESSION CONVENTION) 1861.

Accomac	William H. B. Custis.
Albemarle	Valentine W. Southall, James B. Holcombe.
Alexandria	George W. Brent.
Alleghany and Bath	Thomas Sitlington.
Amelia and Notaway	Lewis E. Harvie.
Amherst	Samuel M. Garland.
Appomattox	Lewis D. Isbell.
Augusta	A. H. H. Stuart, John B. Baldwin, George Baylor.
Barbour	Samuel Woods.
Bedford	William L. Goggin, John Goode, Jr.
Berkeley.....	Edmond Pendleton, Allen C. Hammond.
Botetourt and Craig.....	Fleming B. Miller, W. W. Boyd.
Braxton, Nicholas and Clay....	Benjamin W. Byrne.
Brooke	Campbell Tarr.
Brunswick.....	James B. Mallory.
Buckingham	William W. Forbes.
Cabell	William McComas.
Campbell	John M. Speed, Charles R. Slaughter.
Caroline	Edmund T. Morris.
Carroll	F. L. Hale.
Charles City, Jersey City and New Kent	John Tyler.
Charlotte	Wood Bouldin.

Chesterfield	James H. Cox.
Clarke	Hugh M. Nelson.
Culpeper	James Barbour.
Cumberland and Powhattan....	William C. Scott.
Dinwiddie	James Boisseau.
Doddridge and Tyler	Chapman J. Stuart.
Elizabeth City, Warwick, York and Williamsburg	Charles K. Mallory.
Essex and King and Queen....	Richard H. Cox.
Fairfax	Richard H. Dulany.
Fauquier	Robert E. Scott, John Q. Marr.
Fayette and Raleigh	Henry L. Gillespie.
Fluvanna	James M. Strange.
Franklin	Jubal A. Early, Peter Saunders, Sr.
Floyd	Harvey Deskins.
Frederick	Robert Y. Conrad, James Marshall.
Giles	Manilius Chapman.
Gloucester	John T. Seawell.
Goochland	Walter D. Leake.
Gilmer, Wirt and Calhoun.....	C. B. Conrad.
Grayson	William C. Parks.
Green and Orange.....	Jeremiah Morton.
Greenbriar	Samuel Price.
Greensville and Sussex.....	J. R. Chambliss.
Halifax	Thomas S. Flournoy, James C. Bruce.
Hampshire	Edward M. Armstrong, David Pugh.
Hancock	George McC. Porter.
Hanover	George W. Richardson.
Hardy	Thomas Maslin.
Harrison	John S. Carille, Benjamin Wilson.
Henrico	Williams C. Wickham.
Henry	Peyton Gravely.
Highland	George W. Hull.
Isle of Wight.....	Robert H. Whitfield.

Jackson and Roane.....	Francis P. Turner.
Jefferson	Alfred M. Barbour, Logan Osburn.
Kanawha	George W. Summers, Spicer Patrick.
King George and Stafford.....	Edward Wallar.
King William	Fendall Gregory, Jr.
Lancaster and Northumberland.	Addison Hall.
Lee	John D. Sharp.
Lee and Scott	Peter C. Johnson.
Lewis	Caleb Boggess.
Logan, Boone and Wyoming ...	James Lawson.
Loudon	John Janney, John A. Carter.
Louisa	William M. Ambler.
Lunenburg	W. J. Neblett.
Madison	Angus R. Blakey.
Marion	Alpheus F. Haymond, Ephraim B. Hall.
Marshall	James Burley.
Mason	James H. Couch.
Matthews and Middlesex	Robert L. Montague.
Mecklenburg	Thomas F. Goode.
Mercer	Napoleon B. French.
Monongalia	Waitman T. Willey, Marshall M. Dent.
Monroe	Allen T. Caperton, John Echols,
Montgomery	William Ballard Preston.
Morgan	Johnson Orrick.
Nansemond	John R. Kilby.
Nelson	Frederick M. Cabell.
Norfolk City	George Blow, Jr.
Norfolk County	William White, J. G. Holladay.
Northampton	Miers W. Fisher.
Ohio	Sherrard Clemens, Chester D. Hubbard.
Page	Peter B. Borst.
Patrick	Samuel G. Staples.

Pendleton	Henry H. Masters.
Pocahontas	Paul McNeil.
Petersburg	Thomas Branch.
Pittsylvania	William T. Sutherlin, William M. Treadway.
Pleasants and	
Ritchie	Cyrus Hall.
Preston	William G. Brown, James C. McGrew.
Prince William.....	Eppa Hunton.
Princess Anne.....	Henry A. Wise.
Prince George and Surry.....	Timothy Rives.
Pulaski	Benjamin F. Wisor.
Putnam	James W. Hoge.
Randolph and Tucker.....	John N. Hughes.
Rappahannock	Horatio G. Moffet.
Richmond City.....	William H. Macfarland, Marmaduke Johnson, George W. Randolph.
Richmond County and Westmore-	
land.....	John Critcher.
Roanoke	George P. Tayloe.
Rockbridge	Samuel McD. Moore, James B. Dorman.
Rockingham	Samuel A. Coffman, John F. Lewis, Algernon S. Gray.
Russell and Wise.....	William B. Aston.
Scott	Colbert C. Fugate.
Shenandoah	Samuel C. Williams, Raphael M. Conn.
Smyth	James W. Sheffey.
Southampton	John J. Kindred.
Spotsylvania	John L. Marye, Sr.
Taylor	John S. Burdett.
Tazewell	William P. Cecil, Samuel L. Graham.
Upshur	George W. Berlin.
Warren	Robert H. Turner.
Washington	Robert E. Grant, John A. Campbell.

Wayne Burwell Spurlock.
 Wetzel Leonard S. Hall.
 Wood John J. Jackson.
 Wythe Robert C. Kent.
 Prince Edward..... John T. Thornton:—152.

The following named members of the Virginia State Convention, which assembled in the City of Richmond February 13, 1861, voted for the ordinance of secession, April 17, 1861.

William M. Ambler,
 William B. Aston,
 James Barbour,
 Angus R. Blakey,
 George Blow, Jr.,
 James Boisseau,
 Peter B. Borst,
 Wood Bouldin,
 William W. Boyd,
 Thomas Branch,
 James C. Bruce,
 Frederick M. Cabell,
 John A. Campbell,
 Allen Caperton,
 William P. Cecil,
 John R. Chambliss,
 Manilius Chapman,
 Samuel A. Coffman,
 Raphael M. Conn,
 James H. Cox,
 Richard H. Cox,
 John Critcher,
 Harvey Deskins,
 James B. Dorman,
 John Echols,
 Miers W. Fisher,
 Thomas S. Flournoy,
 William W. Forbes,
 Napoleon B. French,

Peter C. Johnson,
 Robert C. Kent,
 John J. Kindred,
 James Lawson,
 Walter D. Leak,
 William H. McFarland,
 Charles K. Mallory,
 James B. Mallory,
 John L. Marye, Sr.
 Fleming B. Miller,
 Horatio G. Moffatt,
 Robert L. Montague,
 Edmund T. Morris,
 Jeremiah T. Morton,
 William G. Neblett,
 Johnson Orrick,
 William C. Parks,
 William Ballard Preston,
 George W. Randolph,
 George W. Richardson,
 Timothy Rives,
 Robert E. Scott,
 William C. Scott,
 John T. Seawell,
 James W. Sheffey,
 Charles R. Slaughter,
 Valentine W. Southall,
 John M. Speed,
 Samuel G. Staples,

Samuel M. Garland,
H. L. Gillespie,
Samuel L. Graham,
Fendall Gregory, Jr.
William L. Goggin,
John Goode, Jr.
Thomas F. Goode,
F. L. Hale,
Cyrus Hall,
Leonard S. Hall,
Lewis E. Harvie,
James P. Holcombe,
John N. Hughes,
Eppa Hunton,
Lewis D. Isbell,
Marmaduke Johnson,

James M. Strange,
William T. Sutherlin,
George P. Tayloe,
John T. Thornton,
William T. Tredway,
Robert H. Turner,
John Tyler,
Edward Waller,
Robert H. Whitfield,
Samuel C. Williams,
Henry A. Wise,
Samuel Woods,
Benjamin F. Wysor—88,
Franklin P. Turner,
Addison Hall—1—89.

Ben Wilson of Clarksburg, Harrison County, was excused from voting at his own request.

The following members of the Virginia Convention voted against the ordinance of secession,—April 17, 1861.

John Janney, (president.)
Edward M. Armstrong,
John B. Baldwin,
George Baylor,
George W. Berlin,
Caleb Boggess,
George W. Brent,
William G. Brown,
John S. Burdett,
James Burley,
Benjamin W. Byrne,
John S. Carlile,
John A. Carter,
Sherrard Clemens,
C. B. Conrad,
Robert Y. Conrad,
James H. Couch,

Alpheus F. Haymond,
Chester D. Hubbard,
George W. Hall,
John J. Jackson,
John F. Lewis,
William McComas,
James C. McGrew,
James Marshall,
Samuel McD. Moore,
Henry H. Masters,
Hugh M. Nelson,
Logan Osburn,
Spicer Patrick,
Edmund Pendleton,
George McC. Porter,
Samuel Price,
David Pugh,

W. H. B. Custis,
Marshall M. Dent,
William H. Dulany,
Jubal A. Early,
Colbert C. Fugate,
Peyton Gravely,
Algernon S. Gray,
Ephraim B. Hall,
Allen C. Hammond,
James W. Hoge
J. G. Holladay,

John D. Sharp,
Thomas Sitlington,
Burwell Spurlock,
Alexander H. H. Stuart,
Chapman J. Stuart,
George W. Summers,
Campbell Tarr,
William White,
Williams C. Wickham,
Waitman T. Willey,—55.

The members named below did not vote:

John Q. Marr,
Peter Saunders, Sr.
Thomas Maslin,
Benjamin Wilson,
Alfred M. Barbour,
*Addison Hall,
Paul McNeill,
John J. Kindred,
Robert E. Grant,—9.

*Addison Hall, subsequently asked and obtained leave to record his vote in favor of the ordinance and preamble.

CRISP COMMENT BY BURDETT OF TAYLOR.

Hon. John S. Burdett, who was a member of the Virginia Convention of 1861 from Taylor County, is another of the few survivors of that body. He is now resident at the West Virginia capital, past his 82d year, in good health and faculty. He was one of the most fearless and determined of the loyal Virginians in the Convention, and one of the most active and outspoken, after the return



JOHN S. BURDETT.

of the delegates from the Northwest, in organizing resistance to its edicts, as references and quotations made elsewhere amply show. Mr. Burdett received at the hands of President Lincoln appointment as Captain and Quartermaster, and served with credit and distinction with the Army of the Potomac. The author wrote him about the first of May, 1900, making inquiry for his recollection on some doubtful points and received a reply dated May 5th, written in characteristic vein and showing that the writer of it was "chipper and peart" as many a man twenty years his junior. In this letter Mr. Burdett makes this allusion to Mr. Carlyle:

Now, in regard to the portentous and dark days of the rebellion, I cannot say much that will be useful to you, but I will say I was *thar* from its inception to its Appomattox, taking part in early discussions and meetings looking to the restoration of the government of Virginia, culminating in aiding to form West Virginia; this completed while serving as Captain in the Army of the Potomac, with an honorable appointment from the immortal Abraham Lincoln, and confirmed by the United States Senate. Carlile was a member and voted for my confirmation. Poor Carlile! died in Clarksburg; turned against the New State bill and lost all his glory of the Rebellion by denying the record in the matter. With all his faults, I love his memory. Much about him to commend. So drop a tear and let him go.

Mr. Burdett continues:

My connection and history with the rebellion was outspoken and bold, and elicited bitter denunciation from the Richmond press, the *Enquirer* denouncing me as "the execrable, damnable Burdett, whom we missed capturing at Phillippa, and, had we got him, would have spent no time guarding him." Well, I am here, thank God, to repeat the story how they did not "got" me; but we got a saved country and a new map of Virginia, minus gallant West Virginia—a glorious outcome of the villainous effort to destroy the greatest nation on earth.

The ordinance was passed on the 16th of April, and we recalcitrants lit out on first trains we could catch—some twelve or fifteen of us—Carlile, Clemens, Dent and others. A dispatch from Governor Letcher failed to arrest us at Fredericksburg. When we got to Washington, some went North. I came to my home on the Baltimore & Ohio, and John Seddon and Alf. Barbour sat in my front, with bottles of whiskey. When they saw me, they said: "Burdett, you seceded at Richmond, did you?" They were members and on the way to Harper's Ferry to grab the armory and open up revolutionary devilment. Barbour was a member from Jefferson County, in which Harper's Ferry is situated.

My good wife reminds me, while attempting to write you, that I could have written a book of interest of the times from regular letters sent her during service of three years in the

war; but when I moved from my old house in Pruntytown, I burned all up, and left others to do our memory justice. I am seldom mentioned. Others take the cake and the credit of resistance to secession in the Convention at Richmond and formation of the New State. I was one of five—Campbell Tarr, Crothers, John Shuttlesworth of Clarksburg (forget the other)—who, in 1861, went up to Wellsburg and landed those two thousand guns on the Island at Wheeling. I proposed it. Old Burdett is forgotten. Be it so. Excuse egotism. It is the offhand effusion of an old veteran.

After receipt of his first letter, I asked Mr. Burdett to give me a more detailed account of the exodus from Richmond, and any other points of interest about the Convention he could recall, asking him particularly about Hughes of Randolph, who had been one of my teachers and of whose tragic death I had never been able to get a definite account. In a second letter, written May 21st, Mr. Burdett says:

You allude to the time and manner of our leaving Richmond after the passage of the ordinance. Well, a day or two before the 16th we were threatened with an assault from the opposition on the floor of the Convention if we did not pass the ordinance; but ascertaining that gold and bribery, negro traders, faro banks, gamblers and other villainous appliances had reversed majorities so that they had eighty secession against fifty-six opposed—when we met at first the loyal Union men had eighty against rebel fifty-six—after the passage of the ordinance, on the 16th, on the morning of the 17th, the loyal element of West Virginia hustled for their lives; and each fellow, leaving clothes in wash, found his way to the first train on Broad street, via Fredericksburg, etc., for home. We scattered at Washington and Baltimore, in different directions, by different lines, some via Pittsburg. I went it alone and made for the Baltimore & Ohio for my home at Pruntytown, near Grafton.

At Harper's Ferry I found great excitement. The platform was black with a frenzied crowd. John Seddon and Alf. Barbour

were on the train, and plenty of whiskey bottles in front of them. They soon recognized me, and said: "Burdett, you seceded—eighty for and fifty-six against?" "Well," said I "what about the injunction of secrecy?" No reply. Thinks I to myself: I will see whether I have any locks on my mouth to keep rebel secrets from loyal West Virginia.

So, you see, we got to Wheeling in a scattering manner, and soon found about four hundred brown-fisted fellows in Wheeling, cogitating ways and means of resistance to the rebellion. Went home and sent up regular delegates into Convention; restored the government by making Peirpoint, Governor, regarding John Letcher as in abdication at Richmond; and from one step to another went on forming lines and a bill for a new State, which was finished by Congress, and signed by A. Lincoln as a New Year's present. Your humble servant was generally there in those days, but long since forgotten. We assumed to be Virginia, and was so recognized by the Washington powers.

By the way, at the time of hurrying out of Richmond, John Letcher, who was then Governor (but Letcher always was a Union man at heart), sent a dispatch to arrest us runaway members of the Convention; but took good care to see that the despatch was a few minutes too late. After the war was over, I met Letcher at his home at Lexington, and talked hours with him. He said he was always with us in heart, but had to appear nominally with the South. The roughs of Richmond ran up a rebel flag on the capitol and Letcher made them haul it down, as we had not up to that time seceded. So John was not so bad.

Those who stayed behind were: E. B. Hall, loyal to the backbone; Willey, weak. There was a Hall from Wetzel, who sold out for a gold-headed cane. He was a sure "gold-bug"—voted for secession.

John Goode stopped off at Washington with Alf. Barbour, so Barbour could resign the office of Superintendent of the Armory at Harper's Ferry. At Harper's Ferry, Barbour stepped off the train and said something and up went a tumultuous shout. I stepped off and said: "Barbour, what did you say?" He did not reply, and to avoid arrest I stepped back on the train and guessed he was there to grab the arsenal and steal all its valuable and costly machinery. It turned out that way. Revolutionary devilment took the locks off our mouths.

When I got home, the Rockbridge Cavalry of the South dashed around my house at Pruntytown; had a writ from Colonel Porterfield to take me, "dead or alive." I was not there. My wife and boy of sixteen boldly defied them, and wife said, "Thank God, he is not in the house." And the little boy wrenched his gun out of their hands, and the officer told him he was "a brave boy," and might keep his gun. The *Richmond Enquirer* came out and said: "The execrable and damnable Burdett we missed by a hair's breadth; but had we got him, would have spent no time in guarding him!" All that class of men—Jew, gentile, dog and devil—have all passed to their wicked level; and, thank God, I am still in the land of the living.

The incident of Carlile's gold chain I forget. But his conduct as to loyalty was golden up to the critical hour of secession, and he was assaulted and insulted for his bold opposition to it.

Willey, who stayed behind and figured with the vile end of the Convention, was always wishy-washy—short on backbone; and God only knows what soft talk was done; but some said he was weak enough to hint a purpose to organize when he got back to Western Virginia the squirrel-gun boys of the mountains to aid the rebels. But when he got back he seemed almost dazed at the general enthusiasm and loyalty of West Virginians; and at Wheeling, on the balcony of the McLure, being called for, opened up by declaring a lock was on his mouth, alluding to the injunction of secrecy put on us on the passage of the ordinance. It fell still-born. Some fellow bawled out: "Hang him!" In obedience to a loud and universal call, your humble correspondent was called to follow him; and my first remark was that I had no lock on my mouth, or lips hermetically sealed as to keeping secrets of rebels. Thunders of applause followed, as did with almost each sentence in our continued remarks. I simply shot from the shoulder and boldly uttered defiance to the damnable and wicked act of secession.

Mr. Willey attempted the same speech at Morgantown, and was hooted at and was called on clamorously to "Talk Union!" Well (would you believe it?), to stiffen his backbone, Kramer and a few white-washing friends rushed up to Wheeling—the Legislature being in session—and in the confusion of the hour, actually put him into the United States Senate—because, with

all his faults, he was an orator and talented, and would adorn the station! So pluck and nerve counted for nothing. Such is human frailty. He is dead—peace to his ashes!

John N. Hughes was elected as an ultra Union man, with circular and speeches declaring he would suffer arms torn off and body immolated on the altar of his country before he would vote for an ordinance of secession, taking his State, Virginia, out of the Union. It is a ghastly story to tell. Burley, of Moundsville, Hughes and myself, all loyal men, roomed together, and all vied with each other as to our loyalty and devotion to the United States. But in a short time, Hughes, for some reasons I will explain, came in one day and in an exulting manner said he was going to vote for an ordinance separating Virginia from the Union. I replied: "If you do, in the face of solemn pledges to your Randolph constituents, you will never prosper in this world or the world to come." He threatened me with violence. I defied him and told him that a man guilty of such treachery and infidelity could not whip any one. Well, he voted for the ordinance, and skedaddled from Richmond; and at McClellan's fight at Rich Mountain, in Randolph County, he was in the act of rushing on horseback, as he thought, to the United States lines, and halloed, "Hurrah for Lincoln!" It turned out to be the rebel lines, and they shot seventeen bullets into his body. Thus do the judgments of an avenging God overcome us!

James Burley, if alive, could attest what I say, and we deplored his terrible crime at the time. And now for the reasons. He was, soon after getting to Richmond, found embarrassed with the faro banks; and for the few paltry dollars that he fell behind with the gamblers was so weak as to be "yanked" by them. I offered, after finding it out, to pay the pitiful claims, and it met his anger and scorn.

Well, six or seven others unfaithful met early deaths, while not a hair of the heads of the God-and-country glorious fifty-six loyal delegates that voted against the wicked act of secession ever was touched; and I am here to-day, a living monument of the providential incidents of the madness of the days of 1861.

CHAPTER XXIII.

SOME OF THE MEN WHO FIGURE IN THIS HISTORY.

GEORGE W. SUMMERS OF KANAWHA.

DIMINUENDO.

No delegate from Western Virginia went into the Richmond Convention with a larger fame than George W. Summers of Kanawha; none came out of it with reputation more diminished. He was a man of proved ability, who in earlier years among Virginia public men had towered like Saul among the prophets. He had held a high place in Virginia public life on the Whig side of politics. He was a consummate orator and was regarded on all sides as a very able man. In the Virginia Convention of 1850-51 he was considered the champion of Western rights and interests, in behalf of which he made a speech that was deemed the greatest effort of his career. In this he clearly showed that all the wrong and discrimination suffered by the West was the outgrowth of the malignant system of slavery which ruled the State. Under the constitution submitted by that Convention, Mr. Summers was a candidate for Governor. He was defeated—

only because of his anti-slavery attitude—by “Jo.” Johnson of Harrison, a pro-slavery Democrat, who, without education, without any of the graces of oratory and with a lack of personal pulchritude amounting almost to ugliness, was an acute and successful politician.

Summers was sent to the Richmond Convention of 1861 on pledges of faithfulness to the Union—pledged no less by his whole public life as an opponent of the pro-slavery party in Virginia. He avoided in the Convention a technical betrayal of his pledges by voting against the ordinance of secession; but from facts already stated and others yet to be mentioned, he was clearly far more culpable than many who voted for the ordinance. The mischief done by him was on a larger scale—profound and far-reaching. After his return home (with full purpose to go back and take part with the revolution) he expressed in a printed address to his constituents his acquiescence in secession and his wish to assist in the work of adapting the constitution of Virginia to its new relation to the Confederate States. Apparently at this point his heart failed him and he had not the courage to go back to Richmond and take the part his feelings prompted.

UNSUPPORTED PROFESSIONS.

He emerged from his retirement in 1863 long enough to make a speech at Wheeling trying to excuse his course in dissuading the Union commanders from occupying the Kanawha Valley prior to Wise's descent into it in the Spring of 1861. In this speech, he professed devotion to the principles held by the supporters of the United States

and claimed he had never departed from them—a declaration contradicted flatly by his own printed address to his constituents, and equally by the Lincoln-Baldwin episode detailed elsewhere, then known only to half a dozen people in Richmond and Washington but since disclosed to the world. Summers died in 1868, with a cloud on his fame which is not likely ever to be lifted.

FATAL CONCESSIONS AT RICHMOND.

In Mr. Summers' two-days speech in the Richmond Convention, while making unanswerable arguments against both the legality and expediency of secession, he neutralized them all by fatal concessions. "We are all against coercion," he said. "We are all pledging ourselves against the policy of coercion, and rightly." "I recognize the secession of the Cotton-States," he said again, "as an existing fact." It was "a narrow and unphilosophical statesmanship that would regard the movement of those States, as organized commonwealths and by conventional decrees and ordinances, in the light of partial insurrectionary movements in opposition to State authority. Who would compare them with such movements as Shay's Rebellion or the Whiskey Insurrection?" Answering the inquiry, what were best to be done, he said he would "let those States alone." He "would use no force. Force now is Civil War, and with Civil War the bonds of our Union can never be reunited." When a man like Summers could thus surrender the key to the Union position, what hope could there be for men less able deluded by the same fallacy? It was only necessary for the conspirators to

bring events to the convergence where the government would be driven to use force or disband, to put Mr. Summers and all of like faith at their mercy. That was the strategy, and it won; and we have seen how carefully Mr. Summers helped prepare the way.

The fatal weakness of Mr. Summers' attitude in the Richmond Convention, and of others like-minded, was perceived by Horace Greeley who printed in the *Tribune* April 6, 1861, an open letter to the Virginia statesman, from which are these extracts:

We shall readily agree that slavery is at the bottom of our National troubles; and when I add that I accept your speech in the Constitutional Convention of your State, nearly thirty years [?] ago, as in the main a forcible and full expression of my own views on that theme, I shall have disposed of all preliminaries. That speech proves that you are just as well aware as I am that it is slavery, and nothing but slavery, that has dragged Virginia down from the proud position she once held. * * * You know that slavery alone, as you have so forcibly depicted it, has been the overshadowing curse of Virginia, depriving her people of decent roads, of common schools, of manufacturing and mineral development, and of every other element of rapid and beneficent progress. And you have no more doubt than I have (I claim to know only by your public record) that if slavery were expelled from your State to-morrow, the value of her soil would thereby be trebled, the aggregate of her wealth increased, and her population doubled in the next twenty years. When, therefore, you try to say what will be satisfactory to the natural and earnest advocates of free trade, eternal slavery, and all that have made Virginia what she is, you wrong yourself without deceiving them. They know that you are acting a part, and you feel that they cannot deem it a creditable one. * * *

The Union is quite as important to the South as to the North, and you know it. When, therefore, you talk, as in the never-ending conclusions of your Convention, of the "grievances"

of the South and of the "guaranties" you will require of the North, you talk as becomes Secessionists only, and in such manner as to play directly into their hands. And when you talk of the withdrawal of the Gulf States from the Union, as if that were the exercise of a conceded constitutional right, you do your best to show that the professions under which you carried Virginia for Bell were hollow, and yourselves, in consistency with your present views, ought to have voted for Breckenridge and Lane.

HIS TREACHERY TO THE UNIONISTS IN THE CONVENTION.

In the chapter on the Richmond Convention, the facts touching Mr. Summers' betrayal of President Lincoln's confidence at the critical time in the Convention when the history of that body, and of the country, might have been turned into different channels if he had been faithful to his professions and his friends, are brought out in detail from official sources. Mr. Lincoln's sagacity had perceived, what others did not seem to comprehend, the dangerous folly of holding the Convention in session at Richmond exposed to the campaign of conspiracy—of intimidation, bribery, false promises, flattery and other seductions—when nothing could possibly be gained to the Union cause or to the peace of the country from its presence. "Why don't you adjourn the Convention?" were Mr. Lincoln's first words to Mr. Summers' emissary, whom he supposed to be in full sympathy with his own purpose. Adjourn the Convention! Mr. Baldwin was astounded. That was the last thing to be thought of by himself and other secret rebels masquerading in the garments of Unionists. He would never consent to adjourn till the issue raised by the Secessionists had been settled—as if that

Convention could possibly settle it by staying there except in the way it did. Mr. Lincoln's proposition was a center shot. Lewis says it would have been accepted by the Union majority of the Convention if it had been made to them. If it had been, it would have disconcerted the conspirators, have broken up all their plans and have forced them into open revolution with far less strength than they derived from the act of secession.

When Baldwin came back with his report of Mr. Lincoln's offer to evacuate Sumter if the Convention would adjourn, Summers instead of communicating it to the Union men of the Convention continued silent and secret as the grave. When Botts, after being told by President Lincoln, repeated the story of Baldwin's refusal to sturdy John F. Lewis, he told his room-mate Algernon S. Gray, who jumped out of bed in his surprise and declared he had supposed these facts were known to only three men in Richmond—who must have been himself, Baldwin and Summers. Baldwin, like Summers, voted against the ordinance; but he changed his vote and signed it, received a colonel's commission in the Confederate army and held a seat in the Confederate Congress throughout the rebellion. What honors and emoluments would have been conferred on Mr. Summers if he had gone back to Richmond, as he expected and desired, who can guess? This Lincoln-Baldwin episode, proven by the sworn testimony of Mr. Baldwin and others, is an "X-ray" on the Kanawha statesman. It illuminates his whole connection with the Convention, interprets the things he said and did at Richmond and after his return home, and shows the faithlessness of his pretended Unionism.

HE RECOGNIZES THE USURPATION.

He sent his resignation to Governor Letcher, still recognizing him, and therefore, the rest of the rebels and usurpers at Richmond, as the lawful authorities of the State. Then under date of May 27th, he published a letter to his constituents announcing his resignation and explaining that "nothing but an imperative sense of personal duty" had induced this action. The condition of his family, "with the slow means of communication and transit between this Valley and Richmond" precluded his "absence at such a distance." Entirely willing otherwise to continue to act officially with the rebels and usurpers! He expresses regret that he had not resigned in time to permit the election of a successor May 23d but explains:

AND ACCEPTS THE CONFEDERACY.

"I still entertained hope that I might be able to return to the adjourned session of the Convention which commences on the 12th day of June next. For," he continues, "although the greater question has been decided and the subsequent labors of the Convention will be of less moment and importance comparatively. * * * I was especially desirous to have participated in the amendments and modifications of the State constitution which will become necessary for the Convention to prepare and submit to the people, *several of which*, in addition to those applicable to inherent defects in the constitution itself, *have become essential in consequence of the change which has occurred in our political relations.*" Fully accepted the

Southern Confederacy and wanted to have a hand in it! When Summers told the Wheeling people in August, 1863, that he had never been anything but a supporter of the government of the United States, he must have forgotten about this address.

“REINFORCING” THE UNIONISTS.

He totally ignored the movement of the Unionists in the Northwest; never went near nor communicated with them. He seems to have been busy making fair weather with the Secessionists around him. There were then, before Wise went down into the Valley, some 1,500 to 1,800 organized Confederate volunteers there; and the reports that reached Wheeling were to the effect that Summers had gone over to all intents and purposes to these rebels and was in full fellowship and co-operation with them. “Yet at Richmond” said the *Intelligencer* at the time “he had advised the Northwestern members to hurry home and inaugurate their movement, telling them he would be along in a little while to reinforce them.” This was reinforcing them with a vengeance! His manifesto was regarded by the Unionists as an abandonment of all that he had professed in former times—and such it was. In the course of the document, from which we have already quoted, Mr. Summers said:

REPELS UNION “INVASION.”

The idea suggested by some excitable persons that any portion of the people of this region desire Federal troops to be sent to our soil for our protection, apart from the imputation

which it conveys [?], is simply ridiculous. Our people have recorded their opinions at the polls as freemen. When called upon to act, they will act as becomes them. They neither need nor ask such protection; and any attempt to afford it *would be regarded in the light of an invasion*, and would most likely *unite all classes in its repulsion*. All we ask is to be let alone.

One of the first declarations made by the loyal Convention at Wheeling in June, 1861, was that the march of United States troops into Virginia was not an "invasion" but was welcomed for the protection of the rights of her citizens. This reveals the gulf that yawned between Summers and the Union associates he had abandoned. A man of his intelligence did not need to be told that in war, within the theater of action—a theater which could not be limited except by the exigencies of the parties to it—nobody could expect to be let alone. It is true this was all Jefferson Davis asked; but even this trifle could not be permitted him.

UNMOLESTED BY WISE.

It is also true that Mr. Summers personally *was* let alone when the Confederate army came in—and the fact does not strengthen his claim that he was a supporter of the United States government. While Wise ravaged and destroyed, confiscated and stole, the property of Union men wherever he found it, and made them prisoners when he could, Mr. Summers with a large estate was not disturbed and lost not a penny. Yet nobody impeaches Wise's hatred of Unionists. Summers told his Wheeling audience in 1863 that Wise had given out in passing through Lewisburg that Summers would be the first man

he would hang when he got down into the Kanawha Valley. General Wise did not execute the threat. He would have been very ungrateful to have done so, for nobody had done so much to give him a clear field in that valley. After the restored government had been seated in Richmond, Wise, who used to sometimes lounge in the office of Lewis, Governor Peirpoint's Secretary of the Commonwealth, told him one day that when he invaded Western Virginia in the Spring of 1861, if he had captured Peirpoint he would have hanged him. But as for hanging Judge Summers—that was a different proposition. His success in hanging John Brown and the glory it conferred on him, rather unsettled Wise on the subject of hanging. There were people forty years ago, and may be a few yet, who believed a little hanging would not have been wasted on Henry A. Wise himself.

KEEPS OUT UNION TROOPS.

The day Mr. Summers dated his address to his constituents about being let alone and not needing the protection of United States troops, Confederate soldiers were in Fetterman, moving up to Grafton to join others just coming in from the South. Mr. Summers was never accused of being a fool. He knew, even if not in the councils of the rebels, that the immediate invasion of Western Virginia was to be expected. Yet he went to work with great activity to dissuade the Federal commanders in Ohio from sending troops to occupy the Kanawha, going himself to Gallipolis for that purpose and sending a delegation on to Cincinnati to see General McClellan, in

command of the department. He argued this policy in his address, claiming that the Kanawha Valley might maintain a position of neutrality and exemption from military operations.

"Let the military forces on the other side of the Ohio," said this innocent, "so far as there are any, remain on their own soil and let their mission be to preserve the peace and quiet of the border, not to irritate or invite violence." Mr. Summers' coadjutor, Baldwin, argued to Mr. Lincoln that the presence of the garrison in Fort Sumter was calculated to "irritate" the peaceful lambs in Charleston and provoke them to "violence." Therefore the Fort should be evacuated. But Mr. Summers seems to have made no effort to keep out troops which might try to get into his peaceful preserve from the South.

SIGNIFICANCE OF HIS ATTITUDE.

The *Wheeling Intelligencer* printed Mr. Summers' letter and made the following and other pointed comment on it:

All Judge Summers wants is to be let alone—just like the Secessionists talk. All they wanted here in Wheeling a few weeks ago was to be let alone. "Don't get up your Union organizations," they said; "you will raise an excitement." And while they were talking this way, Governor Letcher was writing letters to Colonel Porterfield to come up here, take our arms, burn the railroad and its bridges, and commit any amount of depredations that might be necessary to make us helpless and defenseless. That is the way the let-alone policy works. It means secession and nothing else. And Judge Summers, when he uses it, is either wilfully or ignorantly playing into the hands of the Secessionists. What the people of the Kanawha Valley need in their midst is United States troops; and we rejoice in the hope and belief that they will see them there before Saturday night.

But that was just what did not happen. Mr. Summers had the ear of McClellan to the exclusion of his Union neighbors who protested. Troops were withheld from the Kanawha until Wise had come in, possessed and ravaged. Then, near the end of the summer an army under General Cox was permitted to go over into Mr. Summers' neutral domain and, with the help of Rosencranz, drive Wise out. Meanwhile, not only the valley of the Kanawha but that of the Guyandotte—indeed, all the Southwest—were overrun and suffered deplorable loss and outrage at the hands of Wise and his subordinates, Jenkins, Witcher and Pate. Albert Gallatin Jenkins, who had been a congressman, immediately on the passage of the ordinance of secession began to raise a cavalry regiment in Cabell County. Now his and similar bands, issuing from Wise's headquarters, overran the country "arresting" Parker says "and taking to Wise's camp incorrigible Unionists; and such as he failed to convert and subdue, Wise forwarded to Richmond." Mr. Parker himself and Henry J. Samuels had to leave their homes to escape Wise's vengeance. Mr. Parker left his house at Guyandotte on the third of July "about an hour," he says, "before a squad of Jenkins' cavalry came to arrest me and take me to Wise's headquarters."

SATAN LET LOOSE IN KANAWHA.

A vivid picture of Wise's drastic treatment of the Unionists in the Kanawha Valley during his reign of terror there in the Summer of 1861 is found in an account given to the editor of the *Wheeling Intelligencer* by some gentlemen from that region who visited Wheeling in

November of that year. The following is an editorial statement of their report in the issue of that paper for November 29, 1861:

Since early in the summer, the valley has been the scene of warfare. Wise came among the people as a besom of devastation. He literally laid bare the country all around him. His worthless promises to pay are left widespread among the people; but their corn, their wheat, their oats, their hay, their bacon—their all—is gone, to be heard of no more. He took horses, mules, wagons, and impressed them in his service, both as he came and as he left. He paid for nothing the whole time. His cavalry sustained themselves by depredating first upon one farm and then upon another. They roved from field to field, from locality to locality, like droves of grasshoppers. They let down fences, entered and fed their horses from grain in the shock. They took corn and oats from the barns. They quartered themselves at the tables of the farmers like so many brigands and footpads, never even giving so much as a slip of Wise's script in return. Their trail was desolation everywhere. The infantry were provided for by the script system. Foragers were sent out whose duty it was to spy out the fat places, to stay and make valuation on farm products, to store houses of provisions, etc., and give the owners certificates therefor. If the owners objected, the property was considered sold in spite of the objection, and was transferred to the wagons just as though it had been paid for in gold. Nothing was allowed to interfere. In like manner clothing and everything else that was of value was taken.

In the town of Charleston, the case of two young Jews, clothes dealers, afforded a distressing example of Wise's brutality. He got hold of a letter which one of them had written to a dealer in the East, at the bottom of which was a note indicating his sympathy with the Union. Wise had him and his brother arrested and thrown into prison; and on being visited by a lawyer on their behalf, revealed a depth of devilish brutality that astounded his visitor beyond belief. He said he intended to have these Jews shot unless they made over their stock of goods to him; that if they would assign the goods, he would

not shoot them; but that he wanted it understood that either through blood or an instrument of writing he intended to have the goods. The lawyer (from whose own lips we have these facts) went back to the poor fellows and told them the sorry tale. He left them in prison in tears. The sequel was that Wise took the property and carried them away captive with him.

The old demon used to curse frightfully. His profanity was most disgusting. When he had no one else to curse, he cursed O. Jennings, his son, and cursed him roundly, too. Especially did he belabor him when Jennings remonstrated against destroying the beautiful and costly bridge over Elk River. His whole bearing was that of a maniac devil—seemingly let loose to fill a portion of the unexpired term of Satan himself. Never did a people more rejoice to see a pestilence leave their midst than the people of Kanawha to see Wise compelled to make off. The feeling was not confined to Union men; it was general.

In his message to the Legislature in December, 1861, Governor Peirpoint called attention to the lamentable condition of the southern section of the State which had been overrun by the secession forces:

There seems to be no doubt that nearly all the able-bodied men between sixteen and sixty have been forced into the Confederate army, including thousands who are at heart true to the Constitution and the Union. Public improvements—railroads, canals, bridges and public buildings—have been destroyed wherever the secession forces have had control. Rapine and plunder have marked their path; and men arrogating to themselves a superior civilization, derived, as they say, from the existence of negro slavery among them, have abandoned the rules of civilized warfare and made war like savages, a scene of indiscriminate and useless destruction. A large proportion of the slaves have been sent farther South for security. All the live stock within the rebel lines has been seized for the use of the army. Farms have been stripped of horses, wagons, fencing and timber, and the houses of the people of blankets and even clothing—whatever, in short, could be made useful to the soldiers. The property of men known or supposed to be true to the Union has been taken without compensation, and they

regard themselves fortunate whose lives are spared. The property which is pretended to be paid for is paid for in treasury notes of the Confederate States, or in bank notes issued on the deposit of such treasury notes. This currency, even at Richmond, is already at a discount of not less than thirty per cent—really valueless. In those counties where loyalty to the Union has prevailed, I am happy to announce, the people to a great extent have been spared the ravages of Civil War, and the powers of the State government are now in the hands of true men.

The man very largely responsible for these calamities remained, most of his time, on his farm some twenty miles from Charleston, in peace and security—unmolested, as Woods of Barbour would say, losing neither sleep nor property but losing what men everywhere deem inestimable, the respect and confidence of those who had put faith in his professions as a man and citizen.

THE MISTAKE OF HIS LIFE.

It is a curious and instructive commentary, no less on the instability of men than on the vicissitudes of politics, that a man of Mr. Summers' caliber—whose life-long and commendable aspirations for public distinction had been antagonized and defeated by the pro-Slavery party of Virginia, which now, by easy transition, had become the party of secession, should have finally surrendered to it in the ripe maturity of his powers, under pressure of a crisis which was about to overthrow forever the malignant power which his intellect and moral convictions had forced him to resist all his life. If he had only remained true to these—to himself—through that crisis, he would have emerged with a distinction and honor which would have crowned the best labors and purposes of his career.

WAITMAN T. WILLEY OF MONONGALIA.

Both in the Richmond Convention and for a short time after his return home, Waitman T. Willey held an attitude not unlike Mr. Summers. But the case at home was a little different with them. Summers' constituency included a large and influential secession element; Willey's, practically none. Summers was a rich man and could afford to sulk in his tent if he chose. Not so with Willey. Both labored under the disability, as it was given out, of having a relative in ill health consideration and care for whom afforded a reasonable pretext for retirement. But while Mr. Summers was independent, the exigencies of Mr. Willey's circumstances brought him around into co-operation with the reorganization movement in time to profit by the election of senators under the restored government; and only ten days after the rebel Convention at Richmond had discussed whether he was or was not "disloyal" to them, and had given him the benefit of the doubt by refusing to expel him along with the rest of the "traitors," he was elected by the Legislature at Wheeling to the United States Senate. Mr. Summers held on in his recalcitrant course, but two years later, when he found he had made a mistake, went to Wheeling and made a speech in attempted exculpation of himself.

In the old ante-bellum times, Summers and Willey were the "wheel-horses" of the Whig party in Western Virginia. Both were famous stump speakers. In the Richmond Convention both took high rank for ability and

oratory; and both made fervid speeches on the side of the Union—yet guarded and negative, standing in that zone of Border-State conservatism which recognized in a vague way the undefined grievance of the State against the general government, and conceding, as the accepted method of putting themselves in touch with those to whom their arguments were addressed, certain essentials fatal to the outcome of their whole argument. In one of these speeches of Mr. Willey from which quotation is elsewhere made, it was more than implied that if the hypothetical wrongs of Virginia, which nobody ever attempted to precisely define, should not be righted by legal and constitutional redress, he was prepared to stand shoulder to shoulder with the revolutionary Wise and bring ten thousand strong arms from the Northwest in the ultima ratio as against the oppressor. That is what the phillipic meant if it meant anything. If as Fontaine Smith claimed, this was only Mr. Willey's way of winning his rebellious auditory, the method was not without its perils. It was playing with fire; for Mr. Wise might reasonably have been led to expect that when his army of invasion got across the mountains these ten thousand strong arms, with Mr. Willey at their head, would hasten to join his standard. The whole theory of such argument was wrong. There was no hope of winning back the secession conspirators. Argument was wasted on them. It was the weak-kneed Unionists who needed bracing up. What they needed was not baby-food, but nourishing diet and tonics such as were administered by Carlile.

Mr. Willey, himself a slaveholder, was intensely pro-slavery in his sympathies. He had been on intimate terms,

politically and personally, with Whig politicians; had been a candidate for Lieutenant Governor on their ticket with Goggin two years before. He sought to stand well with them. He had political aspirations which his talents justified; and no politician with his leanings could see any future in Virginia at that time if he did not fall in with the pro-slavery ideas that ruled the Commonwealth. In the Richmond Convention, his great embarrassment was that he represented the hottest Union county in the Northwest, right up against the Pennsylvania border. It was hard to please the old Virginia regime without offending the constituency at home. It was a situation to keep a man on the ragged edge and undermine his constitution.

Mr. Willey voted against his Northwestern colleagues on Carlile's decisive motion to strike from the report of the Federal Relations Committee the declaration that the United States must not enforce the laws in the seceded States. In the presidential campaign the year before, he was a supporter—I believe an elector—of the Bell and Everett ticket, which stood on a platform for “the enforcement of the laws.” He was especially bitter against the Republican party and against Mr. Lincoln as its successful representative; and gave expression to this feeling as late as the Fall of 1861, in an election circular when a candidate for a seat in the Constitutional Convention, when merely party feeling among Union men had been nearly everywhere forgotten. Yet can any one, in the clearer light of the intervening forty years, point out to-day any other party in the United States which in the election of 1860 could possibly have organized enough resistance to the growing insurrection to have saved this

Nation from going to pieces, or to have saved it on any moral basis except hostility to slavery?

When Mr. Willey came home from Richmond, it soon appeared that his position was equivocal; that he was not in harmony with the movement in the Northwest to resist the usurpation; and it was freely reported that on the way back through Virginia he had made a speech very severely arraigning the President for issuing the call for troops—as if there was any other thing left for the President to do, unless he was to basely abandon his post of duty and surrender the government to its assailants. This speech is referred to by Mr. Parker in his “Formation” as an exhortation to the people of Virginia “to repel any invasion of Virginia’s soil by the Yankees.”

But Mr. Willey was a man of fine talents and engaging qualities, whom neighbors and friends wanted to save to the Union cause, and to his friends and family, if they could. Peirpoint’s anxiety to have him attend the May Convention, and the zeal of Leroy Kramer and others to make him senator, was in part an expression of this wish. But in the May Convention he was clearly out of sympathy with the popular feeling as there manifested, and asked to be excused from service on its committee which was to formulate the business of the Convention on plea of necessary absence, though he remained to the end. And notwithstanding the fact that the State was already in the military possession of the Southern Confederacy, he professed to believe that the first duty before them was to try to defeat the ratification of the ordinance of secession. He did not appear again in public co-operation with the movements at Wheeling in the Summer of 1861; but

when the State government had been successfully reorganized and recognized at Washington; when the Federal troops had driven out the rebel invaders and held the mountain inlets into the Northwest, and when, under these conditions of assured safety and success, the Legislature of the restored government came together and proceeded to fill the senatorships made vacant by the treason of Hunter and Mason, he became a candidate, and, to the very general surprise, was elected over Lamb and Van Winkle, who had all summer been doing heroic service in the work of reorganization. In the House of Delegates, he was nominated by Fontaine Smith, who apologized at length for his candidate's short-comings. Mr. Smith said:

I am aware that it has been said that Mr. Willey's course heretofore has been too conservative, and his speeches in the Convention at Richmond have been pointed out as evidence of that conservatism; and also certain flings at the Administration; certain ifs and ands and certain recommendations in relation to compromise. Let me say, what I believe it almost unnecessary to say and what every gentleman must know, that a speech adapted to a Wheeling audience or this body would be ill adapted to a Conventoin at Richmond. He had, sir, when there to temporize his arguments; he had to address his auditory according to their prejudices; and hence he may not have come out so fully as we would have desired at that time. He adopted the language of the illustrious Apostle: "Babes will not endure meat." They must be fed on weak diet. The arguments we advance here would not suit the people at Richmond. * * * He engaged in that species of argumentation for the purpose of winning and captivating and carrying along with him that people. He erred in judgment, I know, sir, but not in motive. For they did not desire reason or judgment, or anything but rebellion; they were going into that headlong in spite of logic and everything else.

I know, too, it has been charged upon Mr. Willey that he did not stand up to Mr. Lincoln when he issued his proclamation after the fall of Sumter. But who among us did not at that moment waver? Not in relation to the constitutionality of such a course; but I put the question to gentlemen whether they did not at that moment doubt the propriety of it? Did they not believe if that proclamation had not been precipitated upon us we could have fixed up some sort of a compromise which would have been honorable to us and would have restored harmony in the South.

If ever man was "damned with faint praise," Mr. Willey was in this speech of Smith's.

Mr. Parker thinks the secret of Mr. Willey's sudden and successful emergence was the aid of the Methodist Episcopal Church, in which he was a zealous and eminent communicant. This church was at that time a political power in the Northwest. In the chapter contributed by Mr. Burdett, will be found his theory of the matter; and perhaps if we accept a combination of the two, we shall not go far astray. Mr. Carlile's election was the spontaneous tribute of all classes and creeds in recognition of his heroic attitude in the Richmond Convention and his subsequent services at home; Mr. Willey's was the result of an adroit still-hunt of some kind, for he had not yet done anything to entitle him to the popular gratitude, or even confidence, and it was not even known he was a candidate till nominated in the two houses of the Legislature.

In the Richmond (rebel) Convention, June 29, 1861, after the recess, report of the Committee on Elections was taken up, recommending "expulsion of disloyal members," and the recommendation of the committee agreed to. Hon. William G. Brown of Preston was the first to walk the

plank. Then "the other names on the list were taken up seriatim and the traitors expelled," they being: Burley, Burdett, Carlile, E. B. Hall, Hubbard, Jackson, McGrew, Porter, Stuart of Doddridge and Tarr. "In the case of Willey of Monongalia," the report in the Richmond paper continues, "an animated debate and interchange of views took place. Statements affecting the loyalty of Mr. Willey and remarks upon the weight of evidence presented pro and con were submitted by several members. The report was then, on motion of Mr. Haymond, recommitted to the Committee on Elections." No doubt Mr. Haymond's personal friendship had something to do with this tenderness towards Mr. Willey; yet the facts inevitably suggest the equivocal attitude Mr. Willey held in that Convention. There was no hesitation about expelling Carlile, Burdett and the rest of the "traitors." After Mr. Willey had been in the Senate several months, he was expelled from the Richmond Convention, not on a report from the committee but on the motion of an individual member. The Convention could hardly do less.

In the Senate, after the defection of Mr. Carlile, under pressure of the public demand from West Virginia, Mr. Willey yielding to the obvious necessity of the case, fell in with the current then setting strongly in favor of the erection of the New State, and did good service in the later discussion in the Senate, and there is no doubt of his zeal and sincerity in that behalf from that time on. He had cast his fortunes with the measure and there was no reason why he should not desire its success. No cause ever lacked friends after its success was assured. It was hardly fair, though, for the friends of Mr. Willey to claim for

him all the credit of the "Wiley Amendment;" which was not his measure in any sense save the technical one that it was offered by him; for in offering the first substitute in which emancipation was embodied, he distinctly disavowed that feature of it on the floor of the Senate, declaring it an advance beyond what was "personally agreeable" to him, in deference to the manifest determination of the Senate to pass no bill without such a provision.

In 1876 was published a letter addressed to Mr. Wiley by Hon. Jacob Beeson Blair of Parkersburg, certifying to the Senator's zeal in behalf of the New State bill when before Congress and when it was in the hands of the President. It is far from clear that Mr. Blair was quite in position to furnish such testimonials. At the critical time when Mr. Carlile's Trojan-horse had been introduced in the Senate, Mr. Parker reports the three Western Virginia members in the House were quite indifferent. They apparently believed a corresponding indifference existed among their constituents. Mr. Whaley declared the bill for admission could not get a vote in the House. His attitude is confirmed by a statement made by Mr. Wiley in the Constitutional Convention that he believed Mr. Whaley was "opposed to the whole project of the New State." But when West Virginia began to be heard from, these gentlemen began to warm up. Mr. Blair's later heat, like the Senator's to which he testifies, seems to have been developed under pressure from home. The production of heat by pressure, whether in politics or physics, accords with scientific principles.

Of the Northwestern delegates who withdrew from the Richmond Convention, Mr. Wiley was the only one who

felt it necessary to fortify his reputation with the testimonials of friends. The others were content to accept the judgment of their contemporaries and of posterity upon the open and notorious facts. Perhaps Mr. Willey's place in history would not have suffered, in dignity at least, if he had been content to do the same.

GEN. JOHN J. JACKSON OF WOOD.

Gen. John J. Jackson of Wood was conspicuous in the Richmond Convention as a champion of Western rights, but his ardor cooled when he got back home. He had talked boldly at Richmond in the early part of the session when the Union tide seemed to be coming in about what he would do and what the West would do in the event of secession; but his first appearance after he came home indicated, if not a change of heart, at least a change of manifestation. He went to the May Convention without the holding of any county convention, or the formal appointment of delegates in any other manner, as recommended in the Clarksburg meeting, accompanied by a numerous clacque, and insisted on organizing that body as a mass-meeting, so that his clacque might have its hundred voices against Carlile's five regularly chosen. Three men appeared to be jealous of Carlile, whose courageous defiance of the conspirators at Richmond had, in the popular estimation, placed him at the head of public matters in West Virginia. These were Jackson, Willey and Peirpoint. General Jackson's course at the opening of the May Convention created a good deal of feeling; and if he had persisted might have disrupted it and defeated the high hopes and great results which depended on it. When Carlile was pressing his immediate division plan, Jackson threatened to take his hat and leave the hall—like the spoiled child which threatens to take its playthings and go home. Again when Polsley asked to have the final report of the Committee on State and Federal Relations, which came in

late at night and embodied the work of three days' sittings, laid over until morning so there might be a little time to examine and consider it, General Jackson objected; he wanted to go home; it was "corn-planting time."

The Jacksons were a wealthy, and therefore influential, family. The old "General" as he was called, had grown to be rather arrogant and dogmatic. It required a good deal of deference to keep him in working line. If he could not have his unquestioned way, he was apt to make a row. There were plenty of loyalists in that Convention who did not have to be either persuaded or bribed to be such. They were Unionists from principle, not for precedence, nor "for revenue." A suspicion attaches to the Jacksons at this period that they did not rise to quite this serene level of patriotism; that so influential a name had to be suitably recognized before it could be brought into cordial support of the government. Indeed, some of the offshoots were clear on the other side of the fence. In administrative circles it was a time of doubt, uncertainty, anxiety. There was a great deal of groping in the dark. Many Border-State Union men expected to be taken care of; others had to be consulted, deferred to, placated. It was especially important to hold Western Virginia in line and conciliate doubtful elements. Under advice of party friends, in whom he had to trust, Mr. Lincoln in this crisis made some appointments which he and his friends found abundant cause to regret when it was too late to recall them. The self-seekers came in for a largely disproportionate share of the appointments; and in West Virginia at least one of them has proved to the Republican Sinbad a veritable "old man of the sea."

About the last of June, 1861, a correspondent of the *Cincinnati Commercial*, writing from Grafton, said:

When at Parkersburg, I was curious to see General Jackson, the most conspicuous and one of the most influential citizens of that region. He is an object of general curiosity and suspicion. The common people have no faith in him; but he professes Union sentiments and was extremely attentive to Generals McClellan and Rosencranz and their staffs, and to all the principal field officers who were in Parkersburg. He is a keen, sharp-featured, determined looking man, positive in deportment and impatient of constraint. He may be earnest in his professions of his fidelity, but he neither acts nor speaks like a man sincerely devoted to the Union. He expressed a fond wish that this expedition might be victorious, but our impression was that he was merely indulging in cheap lip service. At this time he is anxious about the fate of James M. Jackson, one of his sons, who a few days ago was arrested at Clarksburg on suspicion of treason, together with ten or a dozen influential citizens of that place.

The *Cleveland Leader* about this time, referring to the outlook in Western Virginia and the June Convention, about to meet, remarked:

The report says that General Jackson will probably be the provisional governor. Whatever his executive abilities may be, we cannot think from what we saw of him at the former Convention that he is the man for the position. And if it be true, as reported a few days ago, that when the Ohio troops entered Parkersburg he complained of their "trampling down his grass," the people will agree with us. If he has not loyalty enough to spare an acre of grass for the sake of the salvation of his State, he will hardly do for Governor.

This was doubtless written by Mr. Page, who had been the representative of the *Leader* at the May Convention.

CARLILE THE LEADER.

In a limited sense, Carlile was the Mirabeau of the Western Virginia revolution—in that he was the most intrepid, forceful, commanding figure early in the struggle; and in that the people were swayed by his eloquence somewhat as Thomas Carlyle says they were by Mirabeau in Provence: “The wild multitudes moved under him as under the moon do the billow of the sea.” Carlile showed himself mightily in earnest from the time he entered the Richmond Convention till he went to the Senate five months later. Despite his apostacy in the Senate, let us not believe but he was sincere at the time in his noble attitude in the Convention. There he did not mince matters, nor adapt his speeches, as Willey and Summers did, to the delicate political digestion of the hypothetical Unionists in that body. He told them the wholesome truth in plain and sometimes eloquent English. His manner of speech was distasteful to the conspirators in the Convention, as it was to the mob in the galleries and elsewhere. He was one of the limited number of loyalists in that body who realized that the purpose of the conspirators was a deadly one and involved the gravest consequences; one of the few who dared openly on the floor declare the right of the National government to enforce its authority in Virginia and elsewhere in the South. Not all his subsequent fault, grievous as it was, can cancel the debt we owe Carlile for his defense of the Union on the floor of that epochal body, from whom was to issue the edict that should open vials of wrath more devastating than those seen by the Revelator; where, with treachery and cowardice all around

him within, and angry mobs ready to burn him in effigy or hang him in the original in the streets, he dared to utter these glowing words:

And now, Mr. President, in the name of our illustrious dead; in the name of all the living; in the name of millions yet unborn—I protest against this wicked effort to destroy the fairest and freest government on the earth. And I denounce all attempts to involve Virginia—to commit her to self-murder—as an insult to all reasonable living humanity and a crime against God! With the dissolution of this Union, I hesitate not to say, the sun of our liberty will be set forever.

When the Western delegates returned home, Carlile easily rose to the leadership of the loyal movement in the Northwest. His readiness, his earnestness, his force, his commanding oratory, won admiration and assent wherever he spoke. In the May Convention in the advocacy of a plan crude and impracticable for immediate separation from Virginia, so captivating was his speech and presence that he carried the popular applause till Peirpoint gave way to pique and complained that all others were pushed aside.

It is true, and it plainly so appears in the story of these pages, that Mr. Carlile lacked the constructive strength necessary for the highest and enduring success. He could not project himself into the untried and unknown and find with constructive foresight the safe and only way to bridge the abyss, like Lamb; but as a leader bringing popular opinion up to the point where the methodisers could take up the work, he did invaluable service, which must not be underestimated now.

When first heard on a serious theme, Carlile impressed one with his eloquence and power. In time the

listener to frequent speeches perceived his limitations. He was not a Mirabeau in profundity, nor in the overmastering force which sweeps men away from all their moorings of him who for a time carried the secret burdens of France—alike of the Revolution and of the imbecile monarchy tottering towards the guillotine—on his Atlantean shoulders.

Carlile was a native Virginian, born at Winchester and self-educated. His father was a lawyer of brilliancy and power; his mother a Marshall of the line of the Chief Justice. After he had studied law he crossed the mountains and began the practice at Beverly. He finally settled at Clarksburg, which had long been the seat of a refined social circle and an able bar. In 1855 he went to the House of Representatives on the Know-Nothing wave, and at the end of his term returned to his law practice. After later vicissitudes, he returned to his old home and friends at Clarksburg and there ended his life in 1878.

When Mr. Carlile was chosen to the Senate in the Summer of 1861, he was at the zenith of his fame. He was the idol of the Union people of Western Virginia. He had caught the commendatory notice of the whole country as the Virginia champion of the Union who had snatched a loyal State from the wreck of the Old Dominion. He possessed the confidence of the administration and of the Union majority in both houses of Congress. No man in the country in civil life had at that moment a greater future within his reach. Truly, like Wolsey, he had blossomed and bore his blushing honors thick upon him. But in an evil hour he seems to have listened to the suggestions of the tempter, and when he fell it was like Lucifer, never to rise again.

DANIEL LAMB—THE MADISON OF WEST VIRGINIA.

The people of Western Virginia, in their emergency, were fortunate in having the co-operation and services of Daniel Lamb, who had given up the law some years before and at the opening of the war was cashier of the Northwestern Bank at Wheeling. He was sought out by those who needed his help in the public emergency; and busy as he was in his responsible post, he gave it without stint.

Mr. Lamb's mind, by nature or through training, or both, was peculiarly logical and legal. He was judicial in temper; could see the merit of a thing not his own; was always ready to help along the measures or ideas of his friends, though they might differ from his own, and to put them in the best shape for presentation.

At the opening of the movement in the Northwest there was a lack of digested plan not surprising in such an emergency, painfully evident in the May Convention. The determination was hot enough, and the object obvious enough, but the way was not yet clear. All soon came to see that Mr. Carlile's first plan of setting up a State government for the Northwest and finding the authority afterwards, would not do; and he soon saw this himself; but what would do was not so easily worked out. To Mr. Lamb more than to any other one, I believe, is due the credit of solving the problem. It was his far-seeing comprehension and his power of putting things together in orderly sequence which found a way through the obscurities

**DANIEL LAMB.**

of a situation that afforded no precedents. He, beyond all others, was able to think out connectedly the successive legal steps necessary on the untrodden way before them. Mr. Carlile's plans were only provisional, perhaps revolutionary. Others had fragmentary ideas of measures necessary—glimpses of the path along which they sought to advance. Mr. Lamb planned for regularity and permanence; and it was his clear discernment of the legal bearings of the successive measures needed which blazed the way through the obscurity.

Judge Cranmer of Wheeling, an associate at the bar and life-long friend of Mr. Lamb, wrote me after this estimate of Mr. Lamb had been written: "I have been

astonished that such meager mention has been made of the man who was really the main factor in the accomplishment of the work of the Convention, and who was consulted and advised with before any important steps were taken."

Mr. Lamb frankly avowed himself against the New State measure at the time it was brought forward, deeming the time and circumstances inopportune; but with equal frankness and the sincerity characteristic of him, he declared that if the Convention chose a different course, he should "join heartily, fairly and honestly in carrying out their wishes." And that is exactly what he did. But if the reorganization of Virginia had not been laid on the unassailable foundations of legal and constitutional regularity prepared by him, the procedure for the New State must have fallen to the ground, for it did not lack enemies lying in wait to overthrow it at every stage.

All familiar with the work of those years in the conventions and in the Legislature of the New State, wherever Mr. Lamb took a hand, know what an indefatigable and admirable draftsman he was. He was the Madison of that time—and the comparison is quite as much to the credit of Mr. Madison as of Mr. Lamb. His mastery of every subject he touched was surprising; his facility in the execution of work unequalled. Every document he drew, down to the smallest detail, seemed to have been shaped in his mind before he began to put it on paper; and in writing, each detail fell into place with the ease and precision of well-trained battalions. Besides the ordinances of the earlier conventions, much of Mr. Lamb's work went into the constitution. Here Mr. Van Winkle was a very

able second, fitted both by his abilities and by his studies in connection with the Virginia Convention of 1850-51 for such work. In the first West Virginia House of Delegates, which sat in continuous session five or six months after the inauguration of the State, remodeling old statutes and making new ones to fit the new constitution, the bulk of this work was put upon Mr. Lamb, who performed it cheerfully and faultlessly. Every morning at the opening he would come into the House with a budget of bills, written in his dainty chirography—faultless in punctuation, paragraphing and arrangement; the lines written just a little above the ruling so that they looked as if faintly underscored—and the wonder all felt was not only as Goldsmith puts it, how one head could contain it all, but where he ever found the time and strength to perform the labor. The type-writer was yet unknown. The work was done so quietly that his associates scarcely realized or appreciated the magnitude of the labor, the quality of the work turned out or the unselfish sacrifice of him by whom it was done. No committee chairman who rose to explain his measures could put his explanation into so few, so terse, so clear and convincing sentences. Mr. Lamb made not the least pretence at oratory. He spoke quietly, earnestly, with little gesture or inflection, seeking only to express his thoughts; and these he stated with the same lucidity and precision as he did on paper. There was nothing redundant, nothing for captandum. He was in all things, speaking or writing, the same plain, sincere, unpretending yet wise and able counsellor.

CAMPBELL, THE PIONEER.

The one man who exercised a powerful and enduring influence on the fortunes of Northwestern Virginia—who went beyond any other in moulding public opinion towards the result—a free and separate State—but who does not appear among the professional artificers of the structure, nor among those who enjoyed the honors and emoluments of success, was Archibald W. Campbell, editor of the *Wheeling Intelligencer*. Like Peirpoint, with whom he was always in close touch, Mr. Campbell was a poor politician. Both were too earnest and single minded to give themselves to self-seeking. Peirpoint accepted a post and duty surrounded with danger and rather shunned than sought by his contemporaries; and having served the public ends in this difficult place, in a most trying time, with scanty thanks from those he most directly served—without trying to promote his own personal fortunes—he went back when his thankless task was finished, and he had been made the victim of a legislative Frankenstein at Richmond, to his modest home by the Monongahela and sat down again to earn his bread and butter as an attorney. Impelled by a kindred sincerity and devotedness of purpose, Mr. Campbell gave himself without reserve to the work of educating and preparing the people of Northwestern Virginia for the high destiny he had faith to believe awaited them. When the time of fruition came—as it did in an unexpected way—he left it to others more adroit, less deserving—less scrupulous possibly—to reap the harvest he had sown.



ARCHIBALD W. CAMPBELL.

(583)

Mr. Campbell came of good stock, and combined in his make-up a fine quality of brains with an ever finer probity—the “invincible probity” which Emerson attributes to Montaigne. In his paternal ancestry there was blended the sturdy, conscientious Scotch-Irish with a strain of French Huguenot—a heredity likely to tell for force and brilliancy; which may explain the traits that in Mr. Campbell’s career were best known to his contemporaries. On his mother’s side, he came of an old New England ancestry of genuine Puritan breeding.

At Bethany College Mr. Campbell laid the foundation for the liberal education to which every year of his busy and studious life made additions. A term at a law school where he sat at the feet of that Gamaliel of free-soil, William H. Seward, probably helped give to his political thought a direction in consonance with his innate principles. He began newspaper work in 1856 on the *Intelligencer* and later in the same year joined John F. McDermot, then printing Bishop Campbell’s “Millennial Harbinger,” at Bethany, in the purchase of the *Intelligencer*. At that time it being understood the new proprietors expected to make a Republican paper, it was predicted that within six months their press would be in the Ohio River. The five years that followed were years of struggle for existence; but it was a case of the survival of the fittest. The young editor, wiser than his years, laid out a programme of deliberate, cautious, steadfast advocacy of free-soil principles. He took the highest ground on the Republican side of American politics—then just beginning to stir profoundly the moral consciousness of the North—and maintained it with a dignity and ability that commanded the

respect of enemies and the confidence of friends. In a pro-slavery community, in a slave State, at a period when the oligarchy controlled the National government and silenced public opinion even in the North, it seemed a perilous venture to try to establish an anti-slavery journal in the Panhandle of Virginia. Yet courage born of conviction is a wonderful solvent of difficult problems. Though through these years, many a week did not know where the money was to come from to pay the Saturday composition strings, or the next paper bill, yet somehow it came, like the manna in the wilderness; and each morning this brave John the Baptist continued to proclaim in that corner of Virginia the gospel of freedom, which was not many years thence to possess that land. The paper lived; the editor did not recant his faith; the public, despite the threats of the ruffianly element which had its inspiration in Richmond, continued to tolerate, to endure, finally to approve and patronize. It was a day of small things, but better days and larger results were to come.

When the crisis was reached at Richmond, in the Spring of 1861, Mr. Campbell went there and spent some time studying the problem at short range. He had never a moment's doubt as to the supreme duty of the hour; never felt it expedient to curry favor with the aristocratic disloyal element either at Richmond or at home; was not shaken in his loyalty to the United States by the President's call for troops. There was never an instant's misgiving or hesitation in making known his attitude of unqualified Unionism. His paper became at once and continued to be the exponent and medium of the loyal sentiment of its section. Mr. Campbell's personal high charac-

ter, his fearlessness, his bold and steadfast advocacy of resistance to the Richmond programme and later usurpation, made his paper a power at home and respected elsewhere as an exponent of loyal Western Virginia.

As the evolution of events brought to the front the proposition for division, it found its earliest friend and faithfulest supporter in Mr. Campbell, who saw no reason for separation from Virginia that was not equally a reason for separation from slavery. When the Convention which framed the constitution for the New State refused to incorporate in it, or even submit separately, a mild provision for gradual emancipation, he warned them they were wasting their time to go to Washington with such an organic law.

When the New State was fighting for its life at the National capital, no one labored more effectively with members of the two houses, with whom he had a wide acquaintance. The fate of the New State was in the hands of the Republican majority in each house, and it was these that Mr. Campbell was able to most influentially reach. When Thad Stevens said he voted for admission because he had confidence in the people of West Virginia "and in the worthy men sent here to represent them," it was a tribute to Mr. Campbell and his co-laborers, among whom none was more widely or more favorably known than he. It was he more than any one else who enlisted the interest and aid of Bingham, the "old man eloquent" of Ohio, who took West Virginia under his arm and carried us through the shoals and floods of the House. It was he, above all others, who waked up the sturdy old

senator from the Western Reserve, who stood godfather for us in the Senate after the defection of Carlile.

When it came to the election of senators for the New State in 1863 and again in 1865, some of Mr. Campbell's friends put forward his name; but the Legislature was more impressed by the names of other candidates, pressed in one case by a powerful church organization, in the other by a railroad corporation. Mr. Campbell would not deviate from his path in the least to propitiate the legislative gentlemen—indeed, had not long before criticised them sharply for taking pay during a recess. Public bodies, like some other bodies, are grateful for things to come rather than for things past. Mr. Campbell's claims to their consideration lay on a level rather too high for the average legislative appreciation. He could help other people into the Senate but he could not—or would not—help himself in the least.

After Mr. Campbell's death, the editor of the *Intelligencer* was moved to say:

It is no exaggeration to say that no State owed a man so much and paid so little of the obligation; that no man worked so unselfishly for the consummation of an object and received so few of the rewards for honorable efforts and conspicuous success. These lines are not written in the sense of a reproach but in justice to truth. This lack of tangible gratitude on the part of the State has many explanations which would perhaps be in bad taste in these columns.

It should not be inferred from this that Mr. Campbell did not enjoy the popular confidence and esteem, for he did in an eminent degree.

In his later career, he was as capable and successful in business and affairs as he had been admirable as a leader of public opinion. A student all his life, he grew in intellectual riches and power with every year; and in later years rounded out his accomplishments, knowledge and character by extensive travel.

While he took no part in "practical" politics, he maintained a kindly attitude towards political friends and was always ready to help them and to promote policies he believed in the interest of the public. No man more thoroughly possessed throughout the State the respect of people of all parties. His attitude towards the West Virginia public was one of dignity and independence, but of amity and co-operation with political friends. He did not need to engage in politics for a livelihood, but he never lost his solicitude for the upbuilding of the State he had done so much to found. John H. Atkinson, one of the few survivors of the times and labors in which Mr. Campbell's earlier years were spent, and who was on terms of intimate friendship with him and in full sympathy with his anti-slavery attitude and work, says to me in a letter just received, that "Campbell was the leading spirit in West Virginia, with whom I rejoiced in every triumph that came to the Union cause and to the cause of human liberty."

CHAPTER XXIV.

CAPTURE AND ESCAPE OF CONGRESSMAN WHALEY.

Kellian V. Whaley, member of the House of Representatives, who had been commissioned Major by Governor Peirpoint and authorized to recruit a regiment, had made his headquarters at Guyandotte, Cabell County, his home town. He had enlisted about 150 men, when a raid was made on Guyandotte, November 10, 1861, by Jenkins and Clarkson, with 1,200 cavalry. Whaley was taken prisoner, but after almost incredible hardships escaped. His men had made a stubborn fight and he himself was taken in the street with a musket in his hand which he had just fired. An account of the fight in the *Ironton (O.) Clipper*, written by two of his captains, Turner and Battin, said:

A company headed by Capt. H. C. Pate, of Kansas notoriety, came rushing through the street, and Colonel Whaley, after firing his gun, was surrounded and taken prisoner. The rebels rushed upon him crying, "Kill the damned Abolitionist!" and presented their guns, and one attempted to fire at his breast while he was being held by the arms by two men, but the gun missed fire. Captain Pate in a loud voice demanded to know of him where his men were, threatening to kill him if he did not tell. * * * Colonel Whaley refused positively to give him the desired information, replying: "You will find them soon enough." The men still continued to threaten his life when Colonel Clarkson

rode up and asked if he was Colonel Whaley. Whaley replied that he was not a Colonel, though in command of the post. Clarkson then commanded his men not to kill him and remarked: "He is a brave man and I design to so report him."

Major Whaley visited Wheeling December 4th. His story as told to the editor of the *Intelligencer* and related in the columns of that paper was substantially as follows:

He was taken prisoner in the street with the others. As they passed through Barboursville, he saw a large number of Union men tied along the roadside awaiting the arrival of the cavalry. They left Guyandotte Monday, and during that day marched forty miles without a bite to eat. Many of the prisoners fainted from weakness and from the inhuman manner in which they were forced along on foot. Whaley begged Jenkins to take them and himself out into the fields and shoot them as preferable to the slow torture they were compelled to endure. After that the prisoners were mounted.

During that day a messenger overtook the cavalry and reported that Colonel Zeigler (Federal commander) had killed several Secessionists in Guyandotte and fired the town. This so enraged the rebels that they rushed upon Whaley and his men crying: "Kill the damned Abolition scoundrels!" And it was only through the exertions of Colonel Clarkson that the lives of the prisoners were saved.

At a point near Chapmanville, Whaley was left in charge of rebel Captain Witcher's company. About three in the morning Whaley awoke and found the guard of eight men all asleep. He took Witcher's hat and his own shoes, lifted the latch of the door and finding all clear outside ran for his life a couple of hundred yards down to the Guyandotte River. Here he stopped and put on his shoes and finding no other means of crossing the river swam it. He went a mile or so down the river and then left it and climbed the mountain, the summit of which he reached at daybreak, just as Witcher was firing guns as a signal of his escape. Knowing it would be fatal to attempt to travel by daylight, he sought a thicket of red-oak brush in which he found a sort of path. He was wet,

had no coat, a bleak wind was blowing and he was nearly perishing from cold, and he had to keep in rapid motion to keep himself warm and save his life. Back and forth over this path in this thicket he walked all day, much as David Crockett once saved himself from perishing one bitter night by climbing up and sliding down a tree.

When night came, Whaley started down the Guyandotte Valley; but had scarcely proceeded two miles when he came upon a camp of rebel cavalry. Next day he took a circuit on the hill-tops. On Hart's Creek, he came to the house of an old lady named Adkins, whose son and son-in-law were with her. Young Adkins agreed to conduct him to Keyser's Creek for two dollars; and when they started Whaley observed that the son-in-law started in another direction. Suspecting that Thompson knew him and fearing pursuit, Whaley hurried Adkins along a good deal faster than the young man desired. Arriving at Keyser's Creek, Whaley having been robbed of all his money could not comply with his agreement. He gave Adkins twenty-five cents, all the money he had, and his shoes, which were new and good, in exchange for his guide's old moccasins. Whaley struck down the creek, but had not gone far before he heard the tramp of cavalry in pursuit. He had barely time to jump over a fence and lie flat on his belly, when along dashed a company of cavalry headed by Thompson. He was lying not six feet from them as they passed; and if they had not been looking so intently forward in momentary expectation of catching sight of him in the road, they must have seen him behind the fence. Whaley says he "stuck closer to the ground than ever a bat on a wall." He crawled up a ravine, where he spent another twelve hours exposed to a hard rain. Being by this time very faint and weak, having been thirty-six hours without food, he determined to approach a house he saw a short distance ahead and ask for something to eat. He waded a creek about waist-deep, picked up a couple of boulders for defense if necessary, and going to the house spoke to the occupants. He was answered by the man of the house—a Union man—who recognized him at once and warned him not to remain a moment as the cavalry had been there hunting for him. Whaley offered the man five hundred dollars to conduct him to the Queen

settlement and to the house of Absalom Queen. The man, although avowing himself a good Union man refused the offer, saying that he would be killed by his neighbors if discovered. He, however, gave Whaley a blanket to throw over his shivering shoulders, and directed him how to find the house of Queen.

When he at last reached Queen's, he found a home-guard of twenty-five men; and here, for the first time, he got something to eat. Queen and eleven of his men accompanied Whaley; and, traveling only at night, they crossed the Tug Fork of Big Sandy into Kentucky; stopped at the house of Roland Sammon until night; and then moved down the river in a boat, reaching the forks of Big Sandy before midnight. There they found encamped the command of Col. Laban Moore, member of Congress from the Ninth Kentucky district. The party reached the mouth of Big Sandy Sunday at noon, where they were received with great rejoicing.

Whaley gave each of Queen's men an Enfield rifle, a thousand rounds of ammunition, and a lot of various necessaries, as a return for their devotion to him and to the Union cause. Absalom Queen had been a soldier in the War of 1812, and was a true-blue Unionist. There were about two hundred Union men in the settlement where he lived, and through his influence a hundred of them were in Colonel Zeigler's Fifth (Union) regiment.

CHAPTER XXV.

MILITARY VALUE OF WESTERN VIRGINIA IN THE WAR.

The reorganization of the Virginia government at Wheeling and the formation of a State devoted to free soil and the Union, at the time these things were done, were of enormous advantage to the Union cause. Mr. Lincoln said once that this Virginia movement was worth more to the government than an army with banners. Mr. Sumner said in the Senate on the question of admitting the New State: "Perhaps no question of greater importance has ever been presented to the Senate. It concerns the whole question of slavery; it concerns also the question of State rights; it concerns also the results of this war. Look at it, therefore, in any aspect you please, and it is a great question." Mr. Bingham said, in closing the debate in the House of Representatives: "It is an inroad; if you pass this bill, which will become permanent and enduring, into that ancient Bastile of slavery out of which has come this wild, horrid conflict of arms which stains this distracted land of ours this day with the blood of our children." Mr. Seward said "the harmony and peace of the Union" would be promoted by allowing the New State to take jurisdiction of the west slope of the Alleghenies supplanting control by "a political power concentrated at the head of the James River." Mr. Stanton said that "by the erection

of the New State the geographical boundary heretofore existing between the free and slave States will be broken and the advantage of this from every point of consideration" exceeded all objections. The *New York Times* said: "Virginia in rebellion, one-half her territory gravitates by kindred attraction to the North. Already is a victory gained which is conclusive of the whole contest. A territory equal in area to a first-class State is thrown off from the South by mere force of repulsion. It can never be reclaimed."

This with reference to political aspects. The military value of the movement has not perhaps been so generally appreciated as it ought. Plans at Richmond and at Montgomery contemplated the speedy occupation of Western Virginia by the Confederate forces. The check to Garnett's army and the subsequent occupation of the mountain inlets saved the Northwest very early in the fight; and it was Rosencranz, who had captured Rich Mountain and cut off Garnett's communications, who made Wise's occupancy of the Kanawha untenable, and maneuvered rather than fought him out of the country. The Southwest might have been spared Wise, just as the Northwest was Garnett, if troops had been sent into the Kanawha Valley as promptly as they were into the Tygart Valley. We have described in another chapter what ravage was suffered in the Southwest; and therein we have a picture of what might have happened in the Northwest but for the early invitation to Federal troops and their instant response. Not only was the Northwest spared despoilment but weightier consequences resulted. It gave Ohio and the western border of Pennsylvania the Allegheny Moun-

tains for a "frontier." If McClellan had met Confederate armies at the Ohio River, he might never have become the "Young Napoleon of the West," and a good deal of the history of the war might have been different. Once those armies had camped on the east bank of the Ohio—even if we take no account of the moral and political effect in the Northern States, it would have made a very different military situation from what was actually confronted. If the Confederates could have established themselves on the Ohio, their aim must then have been to cross the hundred miles lying between the northern extremity of Virginia and Lake Erie, to cut the great east and west lines of railway which were the military arteries of the Union. The disabling of the Fort Wayne, the Steubenville & Indiana, the Atlantic & Great Western and the Lake Shore Roads, even temporarily, would have been a frightful disaster—more deadly than the closing of the Mississippi; for the circulation in that narrow neck between East and West was more vital than that by the great river. Such a severance would have divided the military power of the North fatally if maintained for any considerable time. The achievement of this would have been an object of supreme effort, on the one hand, and of unexampled resistance on the other. That upper Ohio region would have become the center of the struggle. If the main Confederate effort had been made in this quarter instead of wasting itself in Eastern Virginia against an impregnable wall, the event might have told a different story. The time to attack in this quarter would have been at the initiative, before the North could have organized to meet the assault, even before they could realize the blow that was intended.

Howell Cobb, president of the Montgomery government, looked forward to the occupation of West Virginia. He said in a speech at Montgomery that the people of the Gulf States need have no fear that the war would roll their way; that they might plant their cotton in security, for "the theater of war," he said, "will be along the Ohio and in Virginia." This may have been thrown out merely to soothe the nerves of the Cotton-State chivalry; and there is no evidence that the rebel plans ever contemplated any bolder stroke in that quarter than the occupation of Virginia to the Ohio. But if that had been done successfully, raids across the territory north of the river would have been the next logical military venture.

When laymen undertake to express ideas about military strategy, they must, of course, do so with due recognition of the absurdity of ideas at variance from the settled formulas of the military schools. Yet the greatest campaign in the West during the rebellion was planned by a woman, an employe, I believe, in one of the departments at Washington. The facts are undeniable; but it would have detracted from the glory of the hero of the hour to confess the truth, and the truth was suppressed.

It is the unexpected that wins in war, as in other fields of effort. When Napoleon started out as the thunderbolt of beleaguered France, he left behind him the accepted, but for him obsolete, methods of his contemporaries and took the military world by surprise. His genius consisted in getting on the ground first, with the longest guns and the largest battalions. In no other field of human enterprise is the "instant way" more vital to success than in war. The South had been for years getting ready; and

yet with the total want of preparation in the North,—with arsenals and armories depleted to supply those in the South; with the regular army reduced to seventeen thousand men; and with a general belief that the South was only blustering and did not really mean to fight—the Confederates were from the start the invaded, not the invaders. With their preparation and premeditation, they might have taken the North by surprise; might by bold and instant invasion at the vulnerable point have so anticipated its readiness for attack as to have produced a momentary paralysis—possibly have created such confusion and panic as to have dictated terms of separation before the North could have organized resistance or recovered equilibrium. That would seem to have been the way to begin a successful war. This was the kind of opening to expect from a people who prided themselves on their military temper and prowess. Courage they did not lack; but there was a lack of military audacity and genius which made the rebellion a foredoomed failure from the day its generals permitted themselves to be put on the defensive. Along with the government muskets the rebellion stole the government's West Point officers, trained to believe war could not be waged except within the formulas of the books. What did Attila or Zenghis Kahn care for the methods of military schools? And what might not have happened if the South had at the opening had ready some such leader with an army secretly organized, ready for instant mobilization, to follow him into the "enemy's country?"

The recognition of opportunity is the privilege, the seizure of it the proof, of genius. Fortunes are made or marred, campaigns and countries lost or won, powers and

principalities established or overthrown, according as the opportune moment is seized or lost. The Confederates lost their opportunity in Northwestern Virginia. It was the vice of their slave civilization that even under the tremendous stimulus of war their enterprises were all tainted with the ineffectiveness of their methods of thought and business. There was too much strutting and preening; too much thought of display for its effect on the world at large; too much orating and premature self-glorification over results not yet achieved. There was too little cold-blooded calculation—too little of that far-reaching audacity which is not afraid to reach out beyond the accepted methods of ordinary men and means—to “dare, and again dare, and without end dare,” in the words of the “lost Titan” of the French revolution. The daring of the Confederates only once rose above the level of a merely defensive war, though no country in the world offered a richer spoil than the North; and the experience of that exception showed them how unequal they were to anything else.

CHAPTER XXVI.

BENEFICENCE OF WAR—BARBARISM OF SLAVERY.

The conflicts that convulse nations and shake down rock-rooted institutions are often blessings in rude disguise. In heroic treatment there must be suffering. The compensation follows, but sometimes far behind. The calamity of one generation may be a godsend to the next. The blood of the martyrs was the seed of the church. One generation plants; the next reaps; but the thread of human sacrifice and recompense runs through all. The river is made up of drops, but it is a continuous stream. Human society likewise is a continuing body. Individuals appear and disappear, men come and go, but the stream of life, achievement and purpose flows on forever.

So whatever may be individual wrong, suffering and loss, the body of the people in their social and political structure, may as a whole be the gainer. The temporary calamities of war may pave the way to a beneficent recompense. Civil Wars are most apt to do this, for they are usually fought over some principle in whose triumph there is a vindication and establishment of justice. Age after age, England through her internecine strifes emerged from each to a higher level of intellectual and religious liberty.

Nations in peaceful times grow up to their opportunities. The opportunities themselves mostly come through violence. The portion of peoples, as of individuals, comes

to them by irregular allotment, not always recognized nor welcome at the time. The tendency of society, as of men, is to grow into grooves; and through the natural aggressiveness of all evil things, the innate inertness of harmless things and the inclination of people to non-resistance, the ruts into which the affairs of every people run if left to themselves, are oppressive to popular liberty and progress. A sort of crust grows around institutions, as the moss grows on the undisturbed stone. Social and political life becomes bound in the habit of acquiescence in wrong. When a people have become thus enmeshed through long periods of indolence, nothing but the splendid, energizing shock of war can save them from worse calamities.

In his "History of Civilization in Europe," Guizot describes how immensely Europe was broadened, educated, liberalized as the result of the Crusades, with their two centuries of waste in life and treasure, through the intellectual impulse resulting from the contact of the Western nations with the superior civilization and refinement of the Asiatics. "On the one hand," he says, "the extension of ideas and the emancipation of thought; on the other, general enlargement of the social sphere and the opening of a wider field for every sort of activity; at the same time, more complete freedom and more political unity; the independence of men and the centralization of society. They drew society out of a very narrow rut and threw it into new and infinitely broader paths." Nothing in the previous history of Europe had carried it so far on the road to intellectual development as those two hundred years of war and sacrifice, which constituted the crowning struggle

between the Christian and Mahommedan systems—a struggle which began when the Saracens crossed into Spain six or seven centuries before, established themselves in that peninsula and threatened seriously to subdue and possess all Europe. Dr. Draper says of the influence exercised by the crusades: “Coming indiscriminately from all classes of communities that were scarcely elevated above barbarism, the crusaders were suddenly brought in contact with people inhabiting countries that for ages had been the seats of civilization. Their ideas were not only enlarged but their very style of thinking was changed. Whoever escaped the perils of these religious enterprises became on his return to his native place an influential and authoritative teacher. There was a weakening of the force of those maxims that heretofore had been a guide, society relieving itself of the stress of former modes of thought. It may be doubted whether that great religious movement known as the Reformation would have been possible had it not been for the occurrence of the crusades.”

The words of these writers not unfitly describe the effects wrought by the Civil War in the Southern half of this Republic. That region for more than a century had been barricaded against the enlightening and humanizing influences which had been doing their work in the Northern half as in other enlightened countries. Now the barriers which had lain for more than a hundred years across the path of liberty and progress were burned away. Until the crusades there was no Europe in the sense of intellectual or other unity. The States were petty, feudal, provincial; divided by ignorance of and consequent prejudice against each other, without community of thought or aim.

From their contact with the Eastern World resulted a compact and comparatively homogeneous Europe, to a great extent free from local prejudice and religious bigotry. In a similar way, the overthrow of slavery and the educating contact with Northern armies swept away the provincial spirit that had been bred in the South by slavery. At the same time it released the North from the political bondage which for decades they had accepted as the price of peace and quiet.

Despite the struggles and sacrifice among the original States for unity, and despite the Constitution which was assumed to have effected it, there was never any real unity in the country till produced by the War of the Rebellion. The Constitution left in the Southern half of the Republic an institution alien to the genius of our people and form of government—a Republic with an absolute and irresponsible despotism within it—a system at war with the spirit of modern civilization; offensive to justice and violative of the moral sense of mankind; an institution which could not from its nature and the necessities of its existence be content even to be let alone much less subjected to gradual extinction; a living and active antagonist to free society; a constant and growing provocative of the irrepressible conflict which could never end but by the overthrow of one or other of the irreconcilable systems. Mason and Dixon's line was as real a division as if it had been a frontier between foreign peoples. It came at last to the point where the deadly issue could no longer be postponed, disguised or compromised. The South driven by the logic of their attitude as promoters of slavery had to make war for its extension. The result was the removal forever of this ele-

ment of dissension and the emergence of a Republic with one supreme vindicated authority and a compact citizenship embracing the hitherto subject race. Perhaps this result ought to be stated with some qualification, for the irritation still lingers in the South and the result is there only submitted to under protest. But we are yet not half a century away from the convulsion, and time and commerce will ultimately allay the surviving race irritation. Bryce in his "American Commonwealth," remarks that "the Southern States will long retain the imprint of slavery, not merely in the presence of a host of negroes but in the degradation of the poor-white population and in certain attributes, laudable as well as regrettable, of the ruling class." Dr. Draper, on the other hand, regards the existing alienation in the South as transient. "There is a great difference," he remarks, "between civil and foreign wars as respects the permanence of the feelings that engender. History is full of examples how speedily the feuds of a Civil War die away. Man is so constituted that he spontaneously resigns to oblivion his unsuccessful undertakings. The vanquished in a civil strife avoids a recollection of his disappointed hopes. The victor abstains from a contemplation of his success; he feels that he can afford to forget even glory; and so the memory of such events speedily passes away. New objects, new motives, new pursuits are presented and society starts again on a new basis. How brief a space it took in the old times to obliterate all memory of the awful civil wars of the Roman Empire—in later times, of those of England. It will take a still shorter period to do the same in the activity of human life in America."

The phrase that helps make the caption of this chapter is not my own, as the reader knows. It was Charles Sumner who held up before the world the "barbarism of slavery;" and his famous phillipic brought swift proof of its truth in the bludgeon of "Bully Brooks." As the result of Brooks' argument, Mr. Sumner was absent from his place in the Senate for four years. When, after his return, he first rose to speak in the Senate his opening words were: "Time has passed, but the question remains." Time has passed again. Sumner is gone; slavery is gone; the lesson only remains.

Slavery was a monstrosity—at once crime and blunder. The shadow of it fell with baleful umbrage on the minds of men throughout the republic. It was not alone the planter's neighbor, under the palmetto or beside the cane or cotton field, who was constrained of his liberty of speech. The politician in New England, in the Northwest, in the Border States and the Middle Free States, in the National Capital, on the Pacific Coast — wherever he might be under the Constitution which was invoked to vivify this political monster, and under the base statute which undertook to make every citizen its servant—found the same shadow fall athwart his path; and through him, with its power to make or mar his political fortunes, its chill extended to all his friends. Now men are able to see with clear eyes and unconstrained minds, in the light of truth which they are no longer afraid of, what cowards and slaves they themselves used to be. It is hard to realize in the nobler political freedom of today how great conventions used to be held, and spectacular tableaux prepared, expressly to convince the truculent slave-masters in

the South that Northern merchants and manufacturers—and politicians—were but too happy to be door-mats for them. The specter of slavery sat in every National Convention of every party, like the skeleton at the feast; and none dared forget its presence for a moment.

The case in the South is far from hopeless. The revolution left its sequela there in new industrial problems, with the race problem in new shape, acute and trying; but it left the white people, as well as the dark, on a new level, dependent on their own energies, freed in their new relationship to the world from the old trammels; no longer bound by the caste of race, ready to rise above it as time and development of both races prepare the way. The intellectual vision of the Southern white people is broadened, their thoughts lifted to a nobler future; and in time, one must have faith, the new problems they are compelled to meet will be solved adequately and worthily, however unpromising may seem from time to time the old race antipathy. The white people there have been emancipated as well as the black. Their thought is no longer limited by the needs of an institution upon which the light of knowledge must not be permitted to shine. The younger generation are growing up in forgetfulness, if not ignorance, of the things that constrained their fathers. They are learning business, taking a place in the world's commerce; becoming nationalized; no longer citizens of a section devoted to special aims and interests, they have become citizens of the Republic. It is true, with a numerous class there still rankles the old race hatred and sense of injury; but it is also true that the educated class, with a broader and better outlook, are growing up to their new

responsibilities; and this higher stratum, with its higher morality and worthier aims, will ultimately give direction to Southern thought and find a way to an enduring relation with the dark race.

The influence of American slavery was not confined to the morals and politics of the United States. Public men in other countries, through commercial interests involved, were brought into subservience to it. In England, whose commercial relations with the Cotton-States were important and dependent, this deference was most pronounced. The need of cheap cotton made England the apologist and partisan of slavery in America though abolished in her own colonies; and by easy logical sequence made Englishmen hostile to the anti-slavery North. The manufacturers and aristocracy were friendly to the rebellion; the common people, the working people, friendly to the North; the Liberals generally for the Union, the Tories against. John Bright declared that "secession was high treason against popular suffrage; that refusal to submit to the election of Lincoln was a violation of the principle that the majority shall rule." Gladstone, professing to be liberal, ought to have been our friend but was not. His sympathies were limited by British interests. If he had any convictions regarding slavery, he was ready to sacrifice them to the needs of British trade. His liberalism did not reach out like Bright's across seas and take in the brotherhood of free peoples wherever he found them. He resented American protection of her own industries. To judgments not overawed by a name it is clear enough that Gladstone was incapable of seeing any excellence outside his own island. With ample leisure and abundant wealth, he never found

time or inclination to visit America to examine the development of the English plant in the soil of the New World. He was an eminent scholar, and few monks knew as much about the musty ecclesiasticism of his church; but he was not a statesman of the world's largest pattern.

Sir Edward Bulwer Lytton in an address to the Hertz Agricultural Society in September, 1861, had this to say:

That separation between North and South America I have long foreseen and foretold to be inevitable; and I venture to predict that the younger men here present will live to see, not two but at least four—and probably more than four—separate Southern commonwealths arising out of those populations which a year ago united their Legislature under one president and carried their merchandise under one flag.

Lord Lytton's wish was probably father to this remarkable foresight. If he had been a profound economist, he might have perceived even then the centripetal tendency of the age, stimulated by increasing popular intelligence and by the growth of scientific knowledge; a tendency which a generation later was to produce centralizations and concentration in political organization and in commerce which amaze and terrify publicists at the present hour. Unity, not disruption, was in the air even as long ago as 1861. Its first great victory was in the vindication of the American Union. Its first striking manifestation in Europe came ten years later in the unification of Germany. The division and subdivision of the American Republic was a vain dream of British greed. The South and North, reunited, continue to "unite their Legislature under one President and carry their merchandise under one flag;" and out of their new unity has arisen a power which disputes markets with the British flag in every port in the

world—which sells prints in Manchester and steel in Sheffield; which challenges the industries of every country in Europe at its own doors; a power to which—it is well to remember—England is now as deferential as she was insolent in 1861.

The average view held by the educated Tory classes in Great Britain during the American Rebellion was fairly expressed ten years before by Thomas Carlyle in a letter written by him to Hon. Beverly Tucker, of Williamsburg, Virginia, in October, 1850, in the course of which the Scotchman said :

I find it a settled conviction among rational Englishmen, which they frequently express in a careless way, that the Southern States must ultimately feel driven to separate themselves from the Northern; in which result there is not felt here to be anything treasonous or otherwise horrible.

But he closes his letter to Mr. Tucker with this word of warning:

I shall say only that the Negro Question will be left in peace when God Almighty's law about it is (with tolerable approximation) actually found out and practiced; and never till then.

The British Tories during the Rebellion, so far from seeing anything "treasonous or horrible" in the dissolution of the American Union, would have been pleased with such a consummation; and the attitude of Gladstone shows the feeling was not confined to the Tories. The English government did all it dared to help disunion. In the subsequent settlement with the United States, they paid somewhat roundly for this, though not adequately.

It may seem to the reader—and it may be true—that I have had more to say in these pages than was fitting or necessary about slavery. But, in extenuation, let it be considered that it was slavery which lay at the root of the agitations which divided this country for three-quarters of a century and culminated in the calamities that overwhelmed us in 1861. It was truly what Wesley called it, “the sum of all villainies.” Out of it grew the inequalities and injustice which we in Western Virginia suffered for more than fifty years, and it was slavery which brought the proud old State down from its ancient grandeur to its later humiliation. In all the history of the republic, there has never been an issue which in morals or economic importance rose to the greatness of this. Even the struggle for independence did not involve such issues for weal or woe as lay in the later controversy that grew with the growth of the nation and cost a million lives and thousands of millions of treasure to compose.

CHAPTER XXVII.

SOUTHERN VIEWS OF THE MOVEMENT IN NORTH- WESTERN VIRGINIA.

(From Pollard's Southern History.)

With an outrage of the plainest doctrines of the government and a practical denial not only of everything like the rights of the States but even of their territorial integrity, the North-western portion of Virginia, which had rebelled against its State government, was taken into the membership of the Federal Union as itself a State, with the absurd and childish addition of giving to the rebellious counties the name of "Virginia." A Convention of the disaffected Northwestern counties of Virginia had been held in Wheeling on the 13th of May and after a session of three days decided to call another Convention to meet on the 11th of June, subsequent to the vote of the State on the ordinance of secession. The Convention re-organized the counties as a member of the Federal Union, and F. W. Pierpont was elected Governor; W. T. Willey and the notorious John S. Carlile, both of whom had already signalized their treason to the State by their course in the Convention at Richmond, were sent as representatives of Virginia to the United States Senate, in which absurd capacity they were readily received.

Jefferson Davis, in his "Rise and Fall of the Confederate Government," refers to the anti-secession movements in Northwestern Virginia from the same point of view as

Pollard. The June Convention was a "so-called convention," the Constitutional Convention was also "so-called," and it framed a "so-called constitution." The Legislature was also "so-called;" and "adopting the new Federal process of assumption, it assumed to be the Legislature of Virginia." We used to speak of Mr. Davis' own government as "so-called;" and we have this advantage of him in the matter of epithets, that while the Confederacy never got beyond the "so-called" stage, the governments framed in Northwestern Virginia endured. The reorganized Virginia government established by the June Convention at Wheeling is the government of Virginia to-day, with its capital at Richmond; and West Virginia promises to be a great Commonwealth ages after the "so-called" President of the "so-called" Confederacy has been forgotten.

After reciting the admission of West Virginia, Mr. Davis "pauses" for a moment "to consider these proceedings in the light of fundamental republican principles"—of which principles Mr. Davis was himself so eminent an exemplar!

The State of Virginia was not a federation but a republic or nation. Its government was instituted with the consent of the governed, and its powers, therefore, were "just powers." When the State Convention at Richmond passed an ordinance of secession, which was subsequently ratified by 60,000 majority, it was as valid an act for the people of Virginia as was ever passed by a representative body. The legally expressed decision of the majority was the true voice of the State. When therefore disorderly persons in the Northwestern counties of the State assembled and declared the ordinance of secession to be "null and void," they rose up against the authority of the State. When they proposed to elect delegates to a convention to resist the act of the State and that Convention assembled and organized

and proceeded to action, an insurrection against the government of Virginia was begun. When the Convention next declared the State offices to be vacant and proceeded to fill them by the choice of Francis H. Pickens for Governor and other State officers, assuming itself to be the true State Convention of Virginia, it not only declared what notoriously did not exist but it committed an act of revolution. And when the so-called State officers elected by it entered upon their duties, they inaugurated a revolution. The subsequent organization of West Virginia and its separation from Virginia were acts of secession. Thus we have in these movements insurrection, revolution and secession.

The fatal defect in Mr. Davis' argument is that its first premise is false. The act of secession was *not* valid. It was an act of revolution pure and simple. If the ordinance *had* been legal as passed—which under the Constitution of the United States was impossible—it could not be consummated and in force until ratified by the people of Virginia more than a month after its passage. But the Convention and the Confederacy waited for no such ratification. By a coup d'état as infamous as that of Louis Napoleon, the "so-called" President of the Confederacy took instant military possession of Virginia, under color of a league entered into with his fellow-conspirators at Richmond in violation of every principle of law and government. This league violated, first, the Constitution of the United States; it violated the act of Assembly calling and constituting the Convention, and the schedule accompanying the ordinance of secession; violated the Bill of Rights which forbade the erection of any foreign government in Virginia. It violated all the "fundamental republican principles" about which Mr. Davis became so solicitous after he found he was not to be hanged. This

military seizure of Virginia put Mr. Davis in absolute control of the election on the ratification of the ordinance and made a reign of terror at the polls on that 23d of May all over Virginia except in a few counties in the Northwest. The people of Virginia had voted in February against secession by nearly sixty thousand majority. What the vote really was under the Davis reign of terror in May will never be known; but the history of all civilized countries may be challenged to show a greater outrage on popular rights. This book has been written in vain, and the history it records enacted in vain, if it does not clearly appear that the people of Northwestern Virginia were justified before God and man in the principles to which they appealed for the vindication of their rights and in the measures of self-preservation adopted by them.

Gordon Battelle, in the midst of the Jeff. Davis rebellion said: "It has been the merit of other attempted revolutions that their motive at least was a reaching upward and forward after liberty. It is the infamy of this that it is a reaching downward and backward after despotism."

It does not become the unsuccessful head of a flagrant and inexcusable rebellion, undertaken with no higher object than to perpetuate the enslavement of a subject race, to reproach the people who were driven to defend their liberties and lives against the violence invoked by him.

CHAPTER XXVIII.

THE "CHILD OF THE TEMPEST"—HEIR APPARENT.

AN OPULENT GROWTH.

Under the census of 1900 West Virginia numbered near a million souls, and now, a year later, no doubt the million mark has been reached. Its statistics show an even larger growth in commerce and development. Among the coal-mining States, it is already third, and the production steadily increases. In no State in the Union has the tide of prosperity risen higher. From all sources—the local press, private correspondence, newspaper intelligence, the testimony of tourists and visitors—comes the uniform report of an opulent, unprecedented development, present and prospective, of the natural riches of this region, so long locked from the world of business enterprise by the repulsive policy of Old Virginia. While these last pages are being written, a local paper comes to hand with the statement that sixty-three railroads are at this time (November, 1901), proposed and under construction within the State, ranging in length from ten miles to sixty. The same paper contains the Thanksgiving proclamation of Governor White, wherein he says:

We are truly a favored people among the nations of the world, and the citizens of no State in the Union have more abundant reasons for thanksgiving than those of West Virginia. Our

national prosperity has been very great, and we have been shielded from pestilence and distress. Our State has probably been blessed above all others in the progress of material development and in the increased production of the great riches with which God has favored us.

The happy geographical position of West Virginia, her genial climate; her riches in soil, coal, stone, timber, iron and oil, will make her another Pennsylvania in industry, wealth and population; and her fine school system, crowned by the University at Morgantown, assures an intellectual growth adapted to the natural aptitude of her people.

Until after the War of the Rebellion, the territory embraced in West Virginia had but one railroad; and that corporation being devoted primarily to the enrichment and glorification of one family, it did not promote a policy of local improvements. Unfriendly legislative control at the head of James River also discouraged and retarded development of the West in any direction. The ex-Confederate control of the New State for twenty years was also a check on immigration and enterprise; which made some progress, however, in spite of it. Railroad extension in this territory, especially rapid within a few years, has put a different face on the transportation and industrial situation within its borders and is opening the State's resources to the eager quest of outside enterprise and capital. Great as the progress has been since the infant was baptised thirty-eight years ago, it has only begun. All the rich valleys lying between the Ohio and the Alleghenies are destined to be traversed by lines of rail which will carry to waiting markets West, South, North and East her crops, cattle,

sheep, wool, fruit, timber; the products of her mines and the oil in her subterranean caverns, which have lain hidden since creation waiting for their hour to come.

Looking to the far-away future, one sees these beautiful hills and valleys stripped of nature's adornment; the hills denuded of their forests, the valleys lighted by the flames of coke-ovens and smelting furnaces; their vegetation seared and blackened with soot and gases; derricks rising like skeletons along the streams in company with tanks of petroleum, waiting to tempt (if not already captured by) the Standard's millions; yawning mines and piles of slack disfiguring the once pleasing landscape—and one could wish that such an Arcadia might have been spared such ravishment. But the needs of the race are insatiable and unceasing. They must be supplied; and one after another the reserves stored by nature in the hidden places of the earth must be brought out to feed the perpetual hunger of the world's commerce.

It would not be easy to give good reasons why a State whose progress can be only in the development of natural resources and in the fostering of industries allied to them should not ally itself with a National policy calculated to promote such home interests; yet the party of free-trade and pro-slavery traditions held West Virginia solid for nearly twenty-five years. The Republican control of the first half dozen years succeeding the erection of the State was due largely to exceptional circumstances: the overthrow of the rebellion, the dominance for the time of the loyal element even where not in distinct majority, the exclusion of the ex-Confederates from political functions and the moral subjugation of others who had sympathized with

the insurrection but kept out of it. Save along the northern and western borders, the population of Western Virginia had a large leaven of secession. The pro-slavery virus of Old Virginia was strong in the educated and wealthier classes. The prejudice was both political and social—the social bias even stronger than the political. Grazing and small farming had been the chief occupations for generations. These interests bred a pastoral and provincial temper in districts away from the towns and from the solitary railroad, whose people looked askance at the “outlanders” of the manufacturing towns along the border. Lawyers and office-holders shaped the political feeling in these pastoral districts; and they were very generally in sympathy with the regime at Richmond, which from time immemorial had been devoted to the interests of their peculiar institution and in more recent years dominated by men in sympathy with the dream of a great slave empire rapidly ripening into conspiracy and revolt. It takes time for any people to recast all their ideas down to fundamental bases. War is an iconoclast; it is a rapid teacher of new lessons; but no part of any country’s population is so slow to learn as the dwellers in remote mountain districts, away from the activities of commerce and the attrition of travel.

But at last the stagnation in West Virginia hills has been stirred. Forty years of disconnection from Old Virginia and pro-slavery influences are showing their fruits. Even in the heads of the hollows, the “moss-backs” are being hustled out of their hibernation and jostled by the business world that has come along with money to buy their timber lands and mineral rights. Their country is being invaded and overrun again a good deal as it was in

1861. But the arguments are not so summary, the weapons less deadly than then; and in the gleam of Northern gold and the rustle of "Abolition" greenbacks, the resolutions of '98 and other dicta of the earlier Jefferson—as illustrated by the later—are fading from memory and losing interest; while the vulgar ambitions of the modern world, eager for riches and power, are—sadly be it said—replacing the fine old abstractions of the fine old Virginians which once filled so large a place in the political speculations of this fringe of Southland. The few who still resent this intrusion of the outside rude and jostling world into their sacred preserves are being outclassed and elbowed aside. The children are being won away from the abstractions of the fathers to the gospel of business and money-making. To the ideal sense, the change is a loss; but out of consideration for the practical bread-and-butter-eating and clothes-wearing world—considering that children are all the while being born which have to be fed and clothed and old people all the while dying who have to be buried, that vulgar money will do both, but political abstractions neither—the change is one to rejoice in.

I can fancy how some of the old-time cattle-kings in Harrison would resent the encroachment of strangers ranging over their pastures looking for oil or coal, frightening the herds of sleek, mild-eyed steers which gather around in wonder and alarm ready to break into a stampede in which they would run off many a pound of their tender flesh, if no worse disaster happened them. Alas, that even royalty should have its price! Under the Midas touch, the generous pastures nourish the fat steer no longer. He has gone to market for the last time from many a district

once given over to his summer haunt; and the oil-derrick rises or the coke-oven blazes where he used to graze and browse beside the brook in the early morning and cool himself in its pools in the heat of midday.

Already the peaceful seclusion of those hills and vales is a thing of the past. The timber-hunters, the oil-explorers, the coal-buyers, the projectors of new railroads, the seekers after cheap lands for homes or for investment, are everywhere; and railroad locomotives are sticking their noses into most unexpected places. The old people who have the stuff to sell—who had not expected to be disturbed in their time, but are not proof against the seductions of lucre when it comes their way—are shaken up as never before. It is a peaceful but mighty revolution; a transformation which in a few years will put capital and commerce into domination in this young Commonwealth; and will, I am sorry to add, give its great natural wealth to the further enrichment of combinations and trusts unless its people and Legislatures be possessed of a wisdom and virtue not to be found in any other part of the world.

Thirty years ago the party barriers which had hedged in the Republican administration of the State, weakened by the unwillingness of a large and influential element in the Republican party to continue the policy of disabilities inherited from the war, gave way before the pressure of the ex-Confederate flood. The waters prevailed for near a quarter of a century. At length they have somewhat assuaged, and there is reason to think the ark of progress has found solid ground; that the dark ages for the State are past; that a policy of enlightened self-interest has dawned. There was nothing surprising in the reaction following the

war. Political reactions are part of the history of every country. After the high moral tension under Cromwell and the Commonwealth, how England, under the dissolute rule of the second Charles, "the Merry," rioted and wallowed in the mire of vice and immorality. After the Jacobin September and Robespierre, came Bonaparte with his "whiff of grapeshot,"—the Directory—the Empire. The ex-Confederate domination in West Virginia was the inevitable swing from one extreme to the other. In a large sense, it was not specially to be deplored. It has not been without its compensation; for it gave the reactionists an opportunity to show how they were wedded to their ancient idols; how unequal they were to the demands of the new era succeeding the extirpation of slavery and the policies it fostered; to show also their incapacity and lack of principle. A single instance will illustrate. In their revision of the State constitution on old-fogy and ex-Confederate lines in 1872, they wholly omitted the provision of the first constitution requiring the State to assume its equitable share of the Virginia debt and to make settlement with Virginia, so that share might be ascertained and provided for. This was one of the prime conditions upon which Congress had passed the bill of admission and upon which President Lincoln had approved it. The matter was not overlooked by this Convention. It was discussed, and the omission was intentional. This left the State without any recognition of that obligation; left the Legislature without authority to act respecting it; and left West Virginia in the attitude of deliberate repudiation. Notice of the fact was taken a few months ago at the world's financial center and West Virginia posted, along with Mississippi and Louisiana, as a repudiator.

The narrowness and the bitterness of that time are passing away. In future, intelligent business administration will be demanded of any party that may control the State. The people who have chosen "*Montani semper liberi*" for their motto have, in common with the rest of the modern world, put their hand to the plow. Some of them may at times look back with longing for the "flesh-pots;" may sometimes sit down and lament, as the children of Israel did by the rivers of Babylon; but time and tide will not wait for them, and, however reluctant, they will have to fall in and move on with the column.

If West Virginia shall be true to the high purposes of her founders—to the protection of her citizenship, to the preservation of public faith—she ought to be henceforth one of the most inviting fields in the world for capital and energy. She has had her great political reaction; has risen from the slough; has shaken off the Circean spell of slavery, and should henceforward advance along wiser and broader ways to an imperial destiny.



IN WEST VIRGINIA.

In West Virginia skies are blue,
The hills are green and hearts are true;
A joyous welcome waiteth you,
In West Virginia.

In West Virginia skies are bright,
The twinkling stars make glad the night;
And noble hearts uphold the right,
In West Virginia.

In West Virginia happy beams
The sun that kisses crystal streams;
Enduring love is what is seems,
In West Virginia.

In West Virginia there is rest
For tempest-tossed and sore distressed;
Here loving hearts are ever blest,
In West Virginia.

In West Virginia man is free;
He dwells beneath his own roof-tree;
Oh come, my love, and dwell with me,
In West Virginia.

—H. L. SWISHER, in "*Briar Blossoms*."

DAUGHTER OF THE ELM.

PRESS AND OTHER COMMENT.

(From *Wheeling Intelligencer*, November 29, 1899.)

NEW WEST VIRGINIA AUTHOR.

West Virginia's products are not confined to coal, timber, coke, iron and oil. Many of her sons and daughters shine in the circles of polite literature and ethics, and none, we are sure, will take higher rank in these than Mr. Granville Davisson Hall, who announces the publication of a novel from his pen about Christmas, entitled "Daughter of the Elm, a Tale of the Virginia Border Before the War."

The atmosphere of the work is local, the scene being laid in the upper Monongahela Valley, and the work promises to recall forgotten tragedies in which some real people and events figure. Mr. Hall is a graceful and interesting writer, and his debut as a writer of fiction will, no doubt, add to a reputation already secured in the State of his birth and in communities of his former activity.

(From *Wheeling Intelligencer*, December 20, 1899.)

"DAUGHTER OF THE ELM."

Some weeks ago the *Intelligencer* had occasion to anticipate the publication of the novel written by a West Virginian, who has been long absent from the State, but who has never lost his interest in a community where the power and gracefulness of his pen instructed and interested the people of nearly a generation ago. * * * The book is just now from the press, and after examining its attractive pages, we are sure the reading public will be edified and entertained in perusing the volume. Its power and recommendation to public interest do not lie altogether in the local atmosphere that is imparted to the story told. Nor do the historical facts around which are woven the romantic tale form the basis of its chief merit, for it is clever in plot, graceful in diction and charming in style. The characters who figure in it were real people, and the love story that illumines the pages serves as a foil to the tragical lines.

(From *Wheeling Intelligencer*, December 21, 1899.)

THE NEW WEST VIRGINIA NOVEL.

The new West Virginia novel, the "Daughter of the Elm," had a big run at Frank Stanton's Old City Book Store yesterday. There are only a few copies left of the first invoice. Those who have read the work pronounce it one of the most entertaining volumes of fiction yet put upon the literary market.

(From the *Clarksburg Telegram*, December 23, 1899.)

The "Daughter of the Elm" is graphically written and intensely interesting, especially to those living in the Monongahela Valley. The beautiful spreading tree on the west side of the river, a short distance below Shinnston, is the elm referred to by the author. Many of the names differ so little from the real characters, and the fiction and fact so easily blend, that the reader can readily determine them. The book is a reproduction of life in and around Shinnston, as seen by the author when a youth. While fictitious names are largely resorted to, yet there are many persons now living who, being more or less acquainted with the mysteries of the gang of inferred villains he so cleverly portrays, readily recognize them and point out some of them as living today in this county. While the principal power of the work in this immediate neighborhood is its features of local history, yet its cleverness in plot, its graceful diction and its charming style command respectful attention by the general public, and it is a story that will be read with interest anywhere. As a revivor of whispered tragedies of long ago, now almost forgotten, it is already a great success in this community, as attested by the popular sale it has found and by the reminiscences already being indulged in by our older citizens.

It is a representation of life about forty years ago in the upper Monongahela region, and will create something of a sensation in that locality, as some of the characters drawn with thin veil are still living and will be easily recognized. One resided here in Pittsburg within the memory of many. The cleverness in plot, its graceful diction and good style will command attention from beginning to finish.

PITTSBURG (Society) BULLETIN.

I received the "Daughter of the Elm" by today's mail and, regardless of failing eyes, read it through at one sitting to-night, with profound pleasure. You have succeeded well in your initial effort at story writing. }

CAPT. T. B. A. DAVID, Pittsburgh, Pa.

Your "Daughter of the Elm" has interested me greatly. I am familiar with the localities mentioned, and know of my own knowledge, and from other independent and authentic sources, that the story is founded upon a basis of fact.

JAMES E. BROWN, Attorney, Chicago.

I have read your "Daughter of the Elm" with much interest, and could not lay it down until I had taken in the whole story. You certainly would have been a success in the line of a detective, and your description of the feelings existing between St. George and Loraine is both natural and beautiful.

HON. J. H. ATKINSON, New Cumberland, W. Va.

I became very much interested in it at any rate because the whole of the transactions and incidents are located in a section of country pretty well known to me. Many of the persons named were acquaintances of my younger days. The book gave me so much interest that everything else was laid by until I had finished it.

JUDGE J. M. McWHORTER, Greenbrier Circuit, W. Va.

I have read the "Daughter of the Elm," with very great pleasure and interest, and I have heard others speak of it in very flattering terms.

HON. J. A. MACAULEY, Pension Dept., Washington.

And when the evening mail brought the eagerly looked for "Daughter of the Elm," I soon became oblivious to about everything else until its pages were all perused—before retiring.

REV. LEROY F. FORTNEY, Plainfield, Vt.

Allow me to congratulate you on your book. The story is beautifully told and very interesting.

M. B. ORDE, Pres. Vil. of Glencoe.

Let me thank you for myself and family for the pleasure you have afforded us.

HEATON OWSLEY, Chicago.

One of the most entertaining novels I have ever read.

DR. JOHN NUTT, San Diego, Cal.

Loraine, the pure and beautiful creature who grew up into a noble womanhood surrounded by all the harrowing scenes that saddened her youth, is a character that is entitled to a high place in literature."

RAVENSWOOD (W. Va.) NEWS.

The "Big Elm," made famous by the notoriety given it by the "Daughter of the Elm," is the Mecca for a great many visitors to our city.

SHINNSTON (W. Va.) NEWS.

One of the prettiest things in the way of a dainty volume laid on the book table of this paper is the "Daughter of the Elm." The story is of great interest to West Virginia readers, for it is graphically written and portrays scenes which are said to have largely actually occurred in the valley of the Upper Monongahela. Mr. Hall certainly wields a graceful and effective pen. His work in the "Daughter of the Elm" entitles him to a high place among the writers of fiction in this country. His work has been favorably received and criticized all over the country.

PARKERSBURG DAILY STATE JOURNAL.

The book is most attractively written and deals with deeds of crime and daring and recklessness of a certain desperate gang who are said to have made that neighborhood notorious during the fifties, and the author has employed enough fiction to make his work readable. Many places up the West Fork are so accurately described as to be readily located; and while fictitious names are mainly used, many of the old residents of that locality are mentioned. The book will be widely read in this section and we predict for it an immense sale.

FAIRMONT INDEX.

I think I recognize most of the characters who are given fictitious names and personally acquainted with some of them as well as nearly all of those whose real names are given. I was born in '60 and did not know _____, _____ and some of the others, but the incidents, or similar ones, I have heard spoken of at home in a kind of traditionary manner. _____ (George Holmes) was a cousin of my mother's, and Uncle Andy _____ (Morrow) is my great uncle. "Old Black Joe," Daddy Long's servant, lived for several years on my father's farm. I was well acquainted with _____. My father owns and has lived on the old Higginbotham farm adjoining Peter B. Righter's place since '71. Capt. John Righter owns a mill just below Worthington.

I wish to congratulate you on your book. It will certainly reach a great sale. I do not pretend to be a critic but it seems to me to contain all the elements of a successful story.

L. E. STRUM, Waverly, Ohio.

